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APPENDIX TO WORKING PAPER NO. 16

LAND USE REGULATION IN EDMONTON
Case Studies

by

Stuart McFadyen and Denis Johnson
University of Alberta

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LAND USE REGULATION

IN

EDMONTON

CASE STUDIES

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TABLE OF CONTENTS

Case Study 1 - Southwood Community A1

Case Study 2 - Kameyosek Subdivision A10

Case Study 3 - Blue Quill IIC A19

Case Study 4 - La Perle Subdivision A37

Case Study 5 - West Jasper Place North Area Extension A49

Case Study 6 - Summerlea Neighbourhood (West Jasper Place) A64

Case Study 7 - Riverbend Neighbourhood III (Ramsay Heights) A84

Case Study 8 - Castle Downs Stage II Area Structure Plan A107

Case Study 9 - City Lumber Rezoning A122

Case Study 10 - Northwest Feedmill (Ritchie Mill) A133

Case Study 11 - Callingwood Town Centre A146

Case Study 12 - 97th Avenue Plaza A164

Case Study 13 - Huntington Hill A174

Case Study 14 - Garneau Redevelopment A183

Case Study 15 - Grove Meadows (Spruce Grove) A187

Case Study 16 - Sky-Vue Drive-In (Ottewell Place) A192

Case Study 17 - Bearspaw (Yellowbird-Kaskitayo) A202

Case Study 18 - Woodbridge (Sherwood Park) A218

LIST OF TABLES

Table 3.1	Plan Processing Delays (Blue Quill IIC)	A21
Table 4.1	Plan Processing Delays (La Perle)	A39
Table 5.1	Plan Processing Delays (West Jasper Place)	A51
Table 6.1	Plan Processing Delays (Summerlea Neighbourhood)	A66
Table 7.1	Approval Fees Paid, April 21, 1978	A85
Table 7.2	Plan Processing Delays (Riverbend Neighbourhood III)	A87
Table 14.1	Garneau Development Permit Statistics	A185
Table 17.1	Plan Processing Delays (Bearspaw)	A204

CASE STUDY 1: SOUTHWOOD COMMUNITY

1.1 Introduction

The Southwood Community is located in the District of Mill Woods in South-East Edmonton. Southwood Community has an area of 773.58 acres and is divided into three neighborhoods. This study area was processed as a Subdivision by Replotting Scheme and Zoning Bylaw Amendment (Rezoning) concurrently. At the time of development approval, two-thirds of the study area was owned by the Real Estate and Housing Department of the City of Edmonton; the remaining third was held by four private owners. The Real Estate and Housing Department served as the applicant.

1.2 Findings

This application was uncharacteristic in three respects: (1) The application was prepared by a City of Edmonton Department (Real Estate and Housing) on behalf of its own land development interests, and those of private owners involved in the project; (2) The subdivision for which the application was made was much larger than average. The Southwood application comprised three neighbourhoods which were all processed in the context of a single Neighbourhood Outline Plan; and (3) The Development and Servicing Agreements were executed prior to the official approval of the replotting scheme. Construction had progressed to a point where it became a factor in justifying City Council's approval of the subdivision.

1.2.1 Process

The application did not conform to a City Council policy requiring a 200 foot sound buffer along designated truck routes. This policy was enacted after City Council's authorization of the Replotting Scheme for the Southwood Subdivision. The exemption from this new policy was requested because of the costs of the delay in new plan preparation and associated negotiations (one year), and the costs of the buffer itself ($1,665,000). This exemption was granted because of these costs and the possibility of either the truck route designation being removed or an alternative means of noise attenuation being installed (berm and fence - $260,000). This kind of exemption was also granted to applicants from the private sector; it cannot be assumed that the City department received special treatment in this respect.

The step between approval of the Neighbourhood Outline Plan and application for Subdivision Replotting was shortened in the sense differed from the majority of applications.

1.3.1.1 The City of Edmonton Real Estate and Housing Department, as owner of two-thirds of the land, prepared an application on behalf of the private owners.

1.3.1.2 The project was considerably larger in size than the usual subdivision application.

1.3.1.3 By the time the Replotting Scheme was submitted to City Council for final approval, the construction of services had already begun pursuant to the Development and Servicing agreement executed four months earlier.

1.3.1.4 Delays were minimal in the sense that the Municipal Planning Commission had to amend its conditional approval, pushing the total process approximately three weeks behind schedule. The implications of further delay served as a significant factor in Council's formal approval of the Replotting Scheme.

1.3.2 Conclusion

The approval process can be shortened by dealing with separate components of the application concurrently. This approach is successful only if there is a good understanding of the approval process by the applicant(s) and those who are administering the process. In this case study, the private developers probably benefited from the fact that the principal applicant was a City Department, partially because of the access this Department had to the decision makers, and because of the Department's knowledge of the approval system.

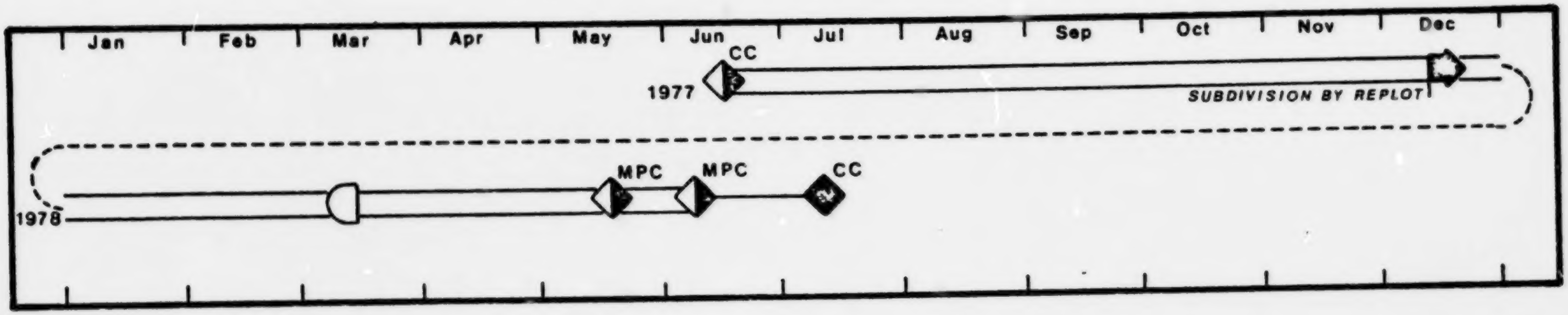
Costs of Delay

Land in the Southwoods project was appraised at $46,000 per acre in March 1977 and at $56,000 per acre in July 1978. The project encompassed 773.58 acres. Cost of funds to developers can be estimated at ten per cent prime rate plus a two per cent risk premium for a total of twelve per cent. Time delay was minimal at one month, but delaying the receipt of $43,320,000 for a single month involves a dollar cost of $433,000.

1.4 Chronology of Significant Events

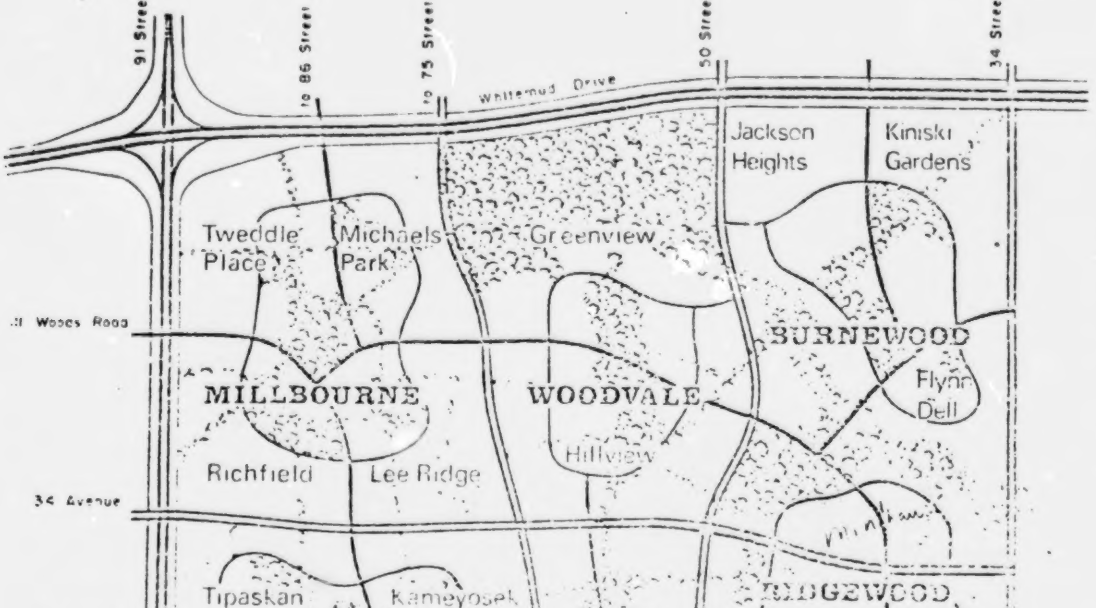
Jan. 1 1971	Local Authorities Board Approves Mill Woods Annexation (Order No. 5010)
June 7 1971	City Council Approves and Adopts Mill Woods District Outline Plan
March 17 1977	Municipal Planning Commission Approves Neighbourhood Outline Plan
June 16 1977	City Council Authorizes Preparation of Subdivision by Replotting Scheme
Aug. 10 1977	City Council Approved Policy requiring 200 ft. buffer along designated truck routes
Dec. 12 1977	Real Estate and Housing Department Submits Application for Subdivision by Replotting Scheme
Mar. 14 1978	City Council Approves Development Agreement Carma and Qualico Developers
May 18 1978	Municipal Planning Commission Approved Replotting Scheme for Southwood Subdivision - supports requests for exemptions to standards which were enacted subsequent to linen preparation - supports concurrent rezoning application
June 8 1978	Municipal Planning Commission Amends Conditional Approval (May 18) - walkway widths corrected
June 23 1978	Planning Department Notifies Private Owners of City Council Meeting (for approval and adoption)
July 4 1978	Developers' Consultant Letter to Council - supports replotting scheme and rezoning - notes that servicing is in progress ("... several million dollars have been expended ...") - development and servicing agreements have been executed
July 11 1978	City Council Approves and Adopts Replotting Scheme

APPENDIX 1-A

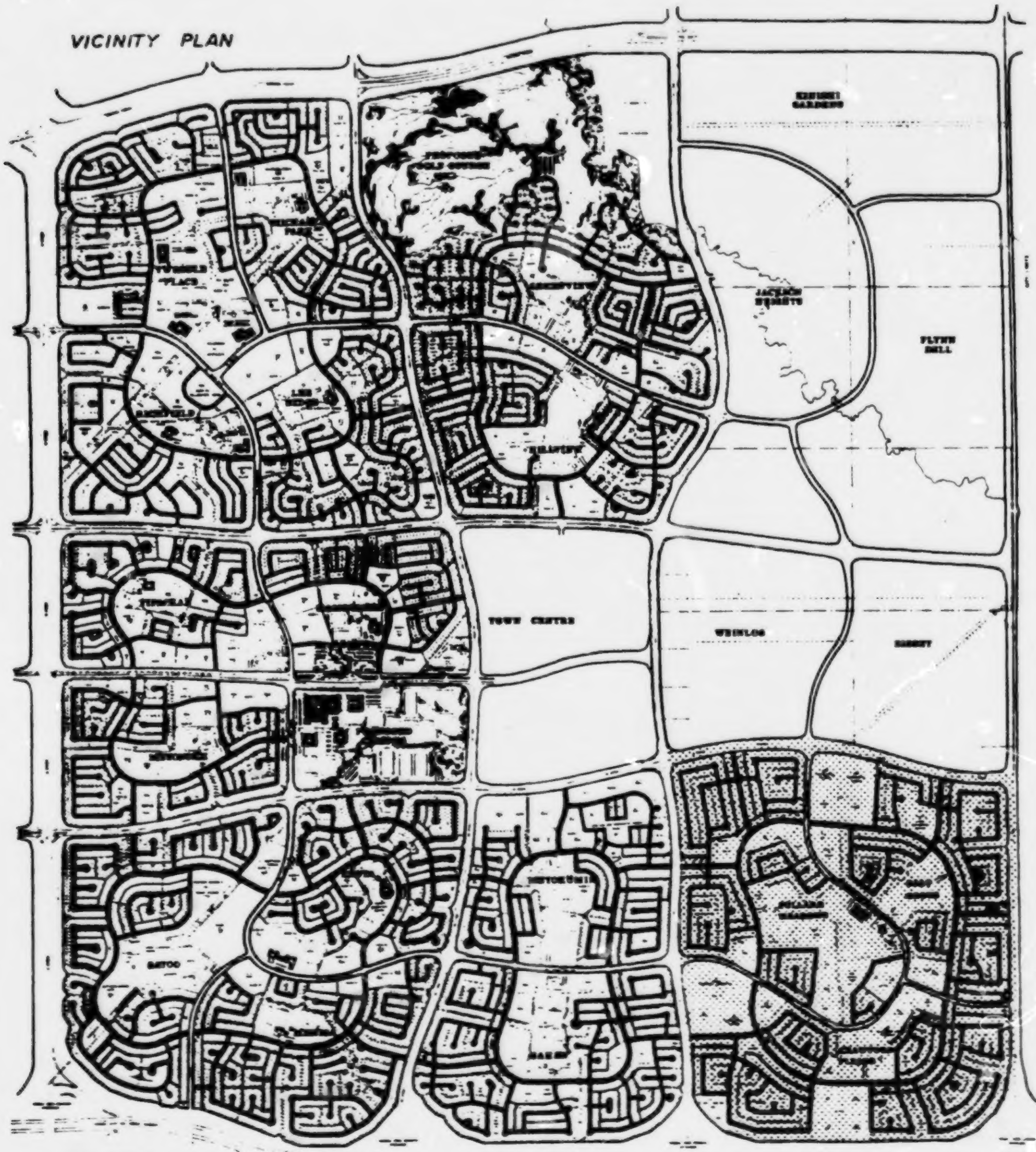


1. SOUTHWOOD

APPENDIX 1-B


91 Street
To 86 Street
To 75 Street
50 Street
34 Street
Whitemud Drive
Mill Woods Road
34 Avenue
26 Avenue
23 Avenue
Outer Ring Freeway
Jackson Heights
Kiniski Gardens
Tweddle Place
Michaels Park
Greenview
BURNEWOOD
Flynn Dell
MILLBOURNE
WOODVALE
Hillview
Richfield
Lee Ridge
Tipaskan
Kameyosek
LAKEWOOD
TOWN CENTRE
RIDGEWOOD
Weinlos
Bisset
Meyonohk
Campus
Meyokumin
Pollard Meadow
Greve
Ekota
Satoo
KNOTTWOOD
SOUTHWOOD
MILLHURST
Crawford Plains
Menisa
Sakaw
MILL WOODS
AREA REQUESTED FOR OUTLINE PLAN APPROVAL

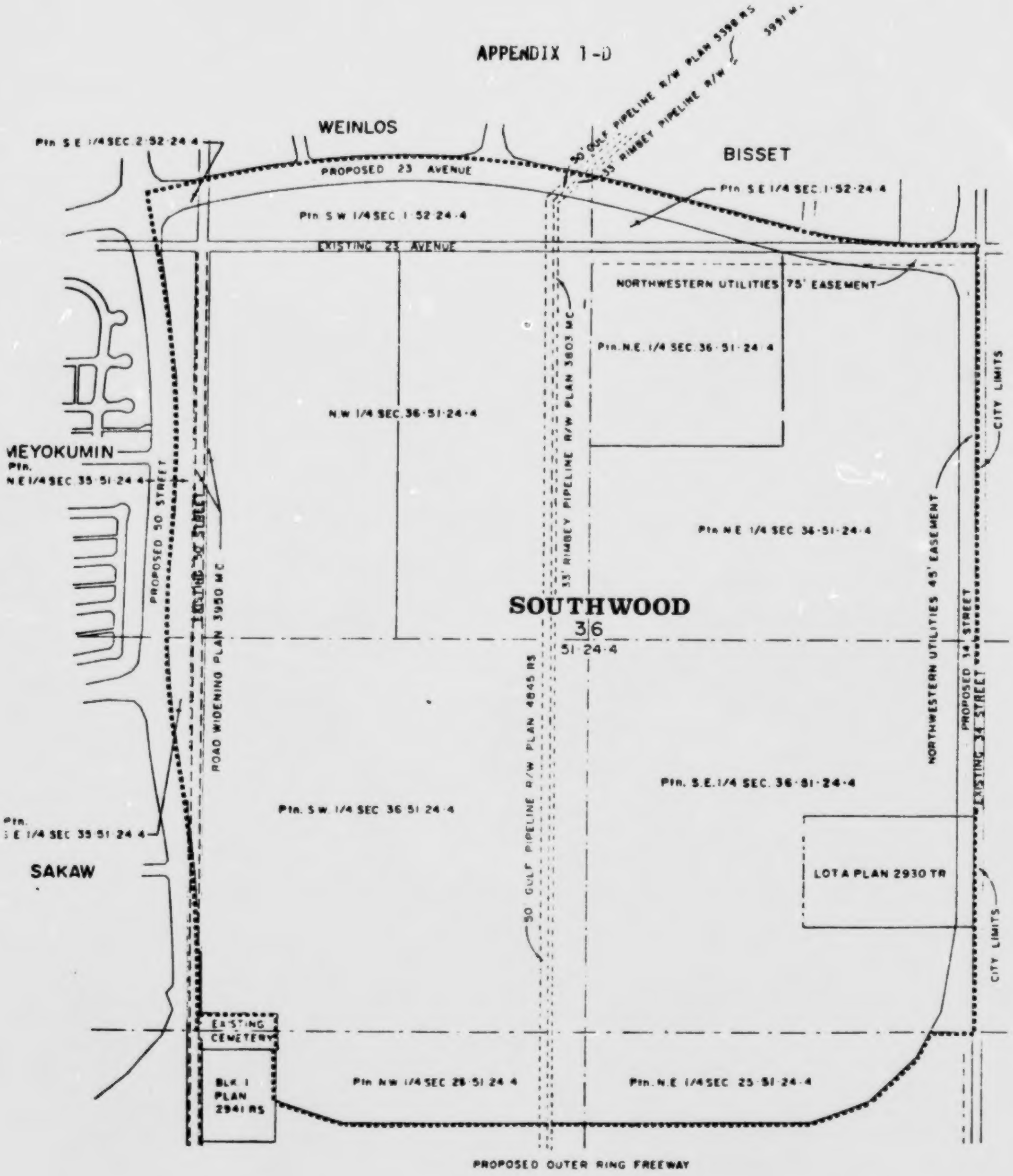
APPENDIX 1-C


VICINITY PLAN
KINISKI GARDENS
TWEDDLE PLACE
JACKSON HEIGHTS
TOWN CENTRE
WEINLOS
BISSET

MILL WOODS
COMPOSITION PLAN

▨ SOUTHWOOD SUBDIVISION

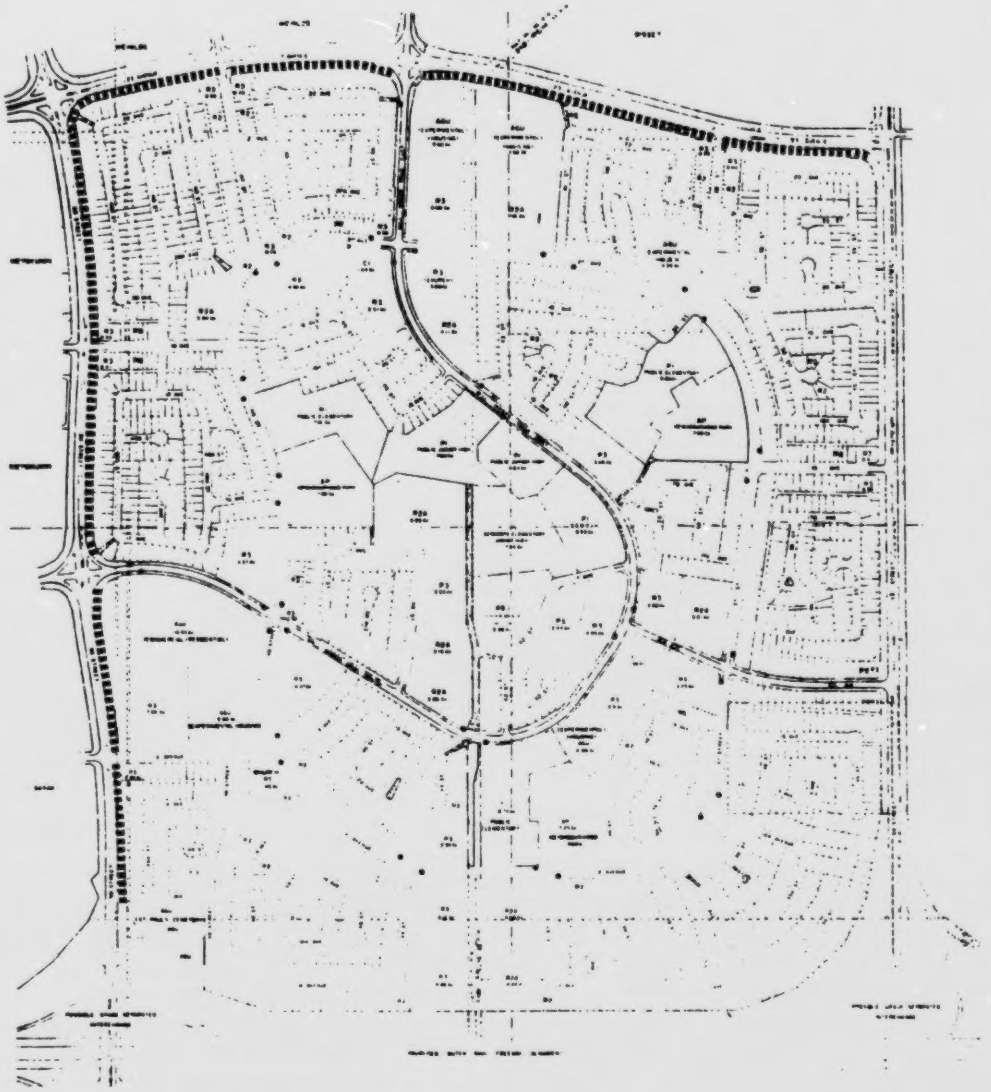
APPENDIX 1-D


50' GULF PIPELINE R/W PLAN 5398 RS
33' RIMBEY PIPELINE R/W PLAN 3991 M.
WEINLOS
BISSET
Ptn S.E 1/4 SEC 2·52·24·4
PROPOSED 23 AVENUE
Ptn S.W 1/4 SEC 1·52·24·4
Ptn S.E 1/4 SEC 1·52·24·4
EXISTING 23 AVENUE
NORTHWESTERN UTILITIES 75' EASEMENT
33' RIMBEY PIPELINE R/W PLAN 3803 MC
Ptn.N.E. 1/4 SEC 36·51·24·4
N.W 1/4 SEC.36·51·24·4
CITY LIMITS
MEYOKUMIN
Ptn.
N.E 1/4 SEC 35·51·24·4
PROPOSED 50 STREET
EXISTING 50 STREET
ROAD WIDENING PLAN 3950 MC
Ptn N.E 1/4 SEC 36·51·24·4
NORTHWESTERN UTILITIES 45' EASEMENT
PROPOSED 34 STREET
EXISTING 34 STREET
SOUTHWOOD
36
51·24·4
50' GULF PIPELINE R/W PLAN 4845 RS
Ptn. S.E.1/4 SEC. 36·51·24·4
Ptn. S.W. 1/4 SEC 36 51 24·4
Ptn.
S.E 1/4 SEC 35 51 24 4
SAKAW
LOT A PLAN 2930 TR
CITY LIMITS
EXISTING
CEMETERY
BLK. 1
PLAN
2941 RS
Ptn N.W 1/4 SEC 25·51·24·4
Ptn. N.E 1/4 SEC 25·51·24·4
PROPOSED OUTER RING FREEWAY

↑
NORTH

EXISTING FORM OF SUBDIVISION OF THE
SOUTHWOOD SUBDIVISION.
·········· BOUNDARY OF AREA REQUESTED FOR REPLOT APPROVAL AND ADOPTION
SOUTHWOOD BASE PLAN — DATE: MAY 18, 1978
SCALE: APPROX. 1" : 850' — DWN. BY: C.F.B.

APPENDIX 1-E



↑ NORTH

PROPOSED FORM OF SUBDIVISION OF THE SOUTHWOOD SUBDIVISION

•••••••• EXEMPTION FROM 200' BUFFER REQUESTED

SOUTHWOOD DESIGN PLAN
SCALE: APPROX. 1" = 920'

DRAWN BY: J.V.J.

CASE STUDY 2: KAMEYOSEK SUBDIVISION

2.1 Introduction

The Kameyosek Subdivision is located in the Lakewood Community of Mill Woods. This case study examines the portion of this subdivision that was excluded from a Subdivision by Replotting Scheme in 1973. The excluded portion has a gross area of 47.35 acres. The application was made by the City of Edmonton Real Estate and Housing Department.

2.2 Findings

2 .2.1 Process

This portion of the Kameyosek Subdivision was not included in the original Replotting Scheme because negotiations for the acquisition of a Calgary Power right-of-way were not finalized. Once the City acquired the right-of-way, the Subdivision by Plan application was initiated. The Subdivision by Plan was processed quickly, but the Zoning Bylaw Amendment was a protracted affair lasting more than a year. The process also involved application to the Provincial Planning Board to dispose of surplus reserves which resulted from the piecemeal registration of the Kameyosek Subdivision. Part of this disposal was related to a Separate School site; although this was not a problem at this stage, it created problems with the area residents when the Rezoning application was being considered.

2 .2.2 Delays

There were no delays in the Municipal Planning Commission approval of the Subdivision Application. In fact, this step took only 14 days.

The major delay was encountered in relation to the Zoning Bylaw Amendment. City Council, after giving first reading only to this amendment on August 10, 1977, requested further administrative study on the provision of park and recreation facilities, and on the possibilities of reducing the densities of certain parcels in the area. On October 12, 1977, Council proceeded with the second reading but was still not satisfied with the information provided by the Planning Department. After ten months of revision and input by area residents, third reading was given.

2.2.3 Causes of Delays

City Council wanted clarification of the City Planning Department's policies for neighbourhood planning, the provision of park sapce, and the location of high density housing areas. Area resident concerns about these issues and the school site compounded the difficulties in reaching a decision.

The applicants felt that the school site issue was the major cause of the delay. They had given the area residents some hope that a Separate School site would be located where, in fact, R-3 and R-2A zoning was eventually planned. This misunderstanding was created by the indication of a "proposed Separate School site" on earlier Mill Woods Plans, on information signs in the neighbourhood and on composite plan drawings handed out by the City. In retrospect the applicants thought that

> We should have used the word 'possible' instead of 'proposed'. The residents used their input into the Zoning Bylaw at Council to request a wholesale review. In the end we had to look at all of the densities for the whole Community and Mill Woods too, as well as traffic problems.

2.2.4 Regulations and the Application of Regulations

City Council, especially under the pressure of lobbying by area residents, can contribute to the uncertainty of approval of a land development scheme. In this case, there seemed to be some confusion as to how the regulations were to be applied, and how the regulations stand up in the political arena. The fact that the application was "in house" did not appear to speed up the process although the applicants acknowledged some advantages of this position:

> ... the main benefit from being in the City as far as Subdivision Planning is concerned is that we get to know each other fairly well. Most benefits are informal and we have a free exchange of information. Sometimes they might not like the way we design a proposal, but they will process it just the same.

2.3 Summary and Conclusion

2.3.1 Summary of Findings

The Subdivision by Plan application completed the Kameyosek neighbourhood. The Plan area was omitted from the 1973 Subdivision by Replotting Scheme owing to protracted negotiations to acquire the powerline right-of-way.

2.3.1.1 There were no delays with the approval of the Subdivision per se.

2.3.1.2 There was a considerable delay with City Council's passage of the Zoning Bylaw Amendment. This step took 13 months.

2.3.2 Conclusions

The role of political forces can have a significant impact upon the application of regulations to a land development proposal. These forces can be complicated when residents establish a strong lobbying position.

This case demonstrated that an "in house" application does not necessarily guarantee uneventful processing by decision makers.

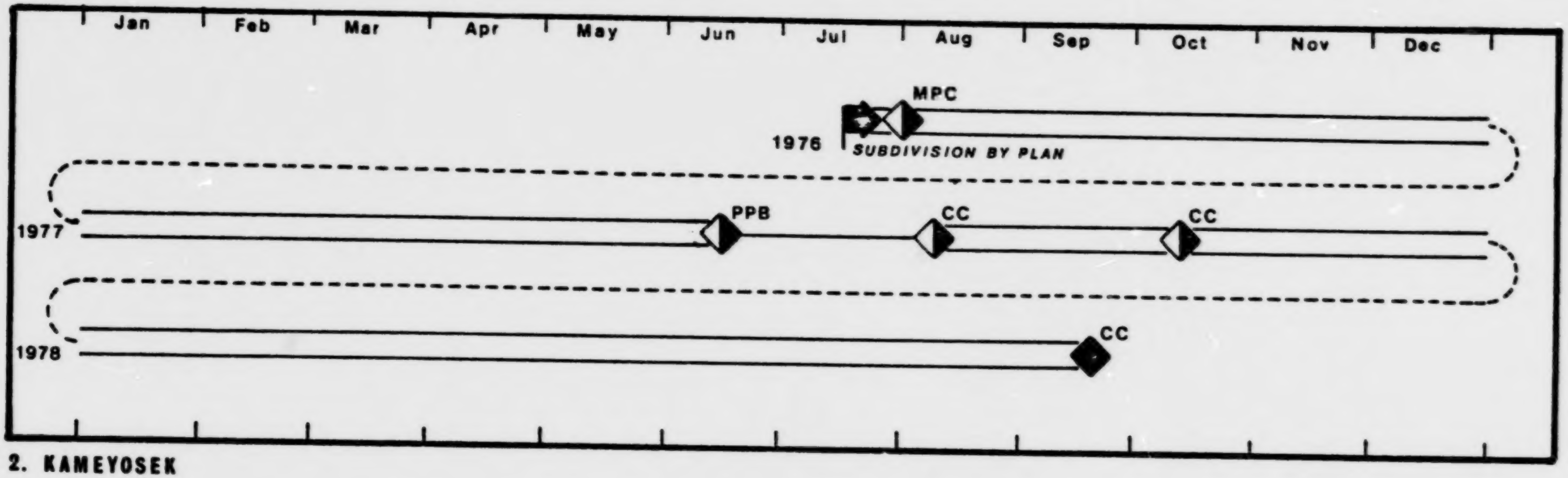
Costs of Delay

Neither sale or appraisal data was available for land in the Kameyosek project. Since this land is similar to that in Southwoods (Case Study #1), it is possible to estimate a 1978 land value of $50,000 per acre on the basis of the Southwoods appraisal data ($46,000 per acre in 1977; $56,000 per acre in 1978). The project involved 47.35 acres. Delay was estimated at 10.5 months. Cost of capital to the city was estimated at prime rate of ten per cent. Total dollar cost of delaying the receipt of $2,367,500 for 10.5 months is $207,000.

2.4 Chronology of Significant Events

June	25	1973	City Council Approved and Adopted Subdivision by Replotting Scheme (excluded Calgary Power right-of-way covering 47.35 acres)
July	16	1976	Real Estate and Housing Department Submits Application for Subdivision by Plan (covers area excluded as noted for June 25, 1973)
July	29	1976	Municipal Planning Commission Conditional Approval of Subdivision by Plan - supports amendment to Zoning Bylaw - subject to satisfactory disposal of reserves by City Council in accordance with Section 26.2 of the Planning Act
June	15	1976	Provincial Planning Board Grants Disposal of Reserves (Board Order 699-R-77)
June	23	1976	Municipal Planning Commission - Secretary Linen Plan Signed
Aug.	10	1976	City Council Zoning Bylaw Amendment (Bylaw 5146) First Reading Given - referred to City Administration for review of density and parks and recreation space.
Oct.	12	1976	City Council Zoning Bylaw Amendment (Bylaw 5146) Second Reading Given
Sept.	19	1976	City Council Zoning Bylaw Amendment (Bylaw 5146) Third Reading and Final Approval Given

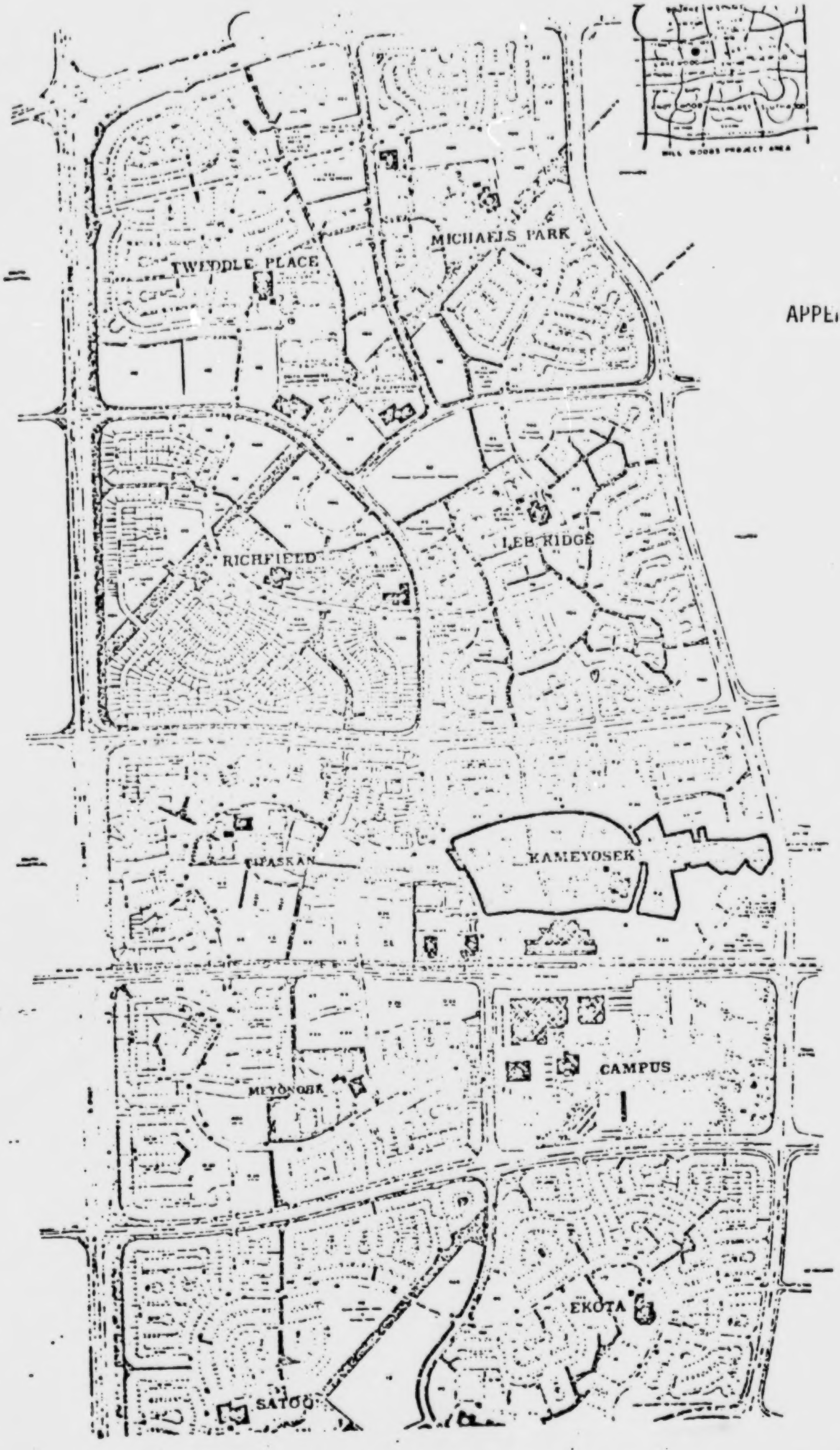
APPENDIX 2-A



2. KAMEYOSEK

A15

APPENDIX 2-B

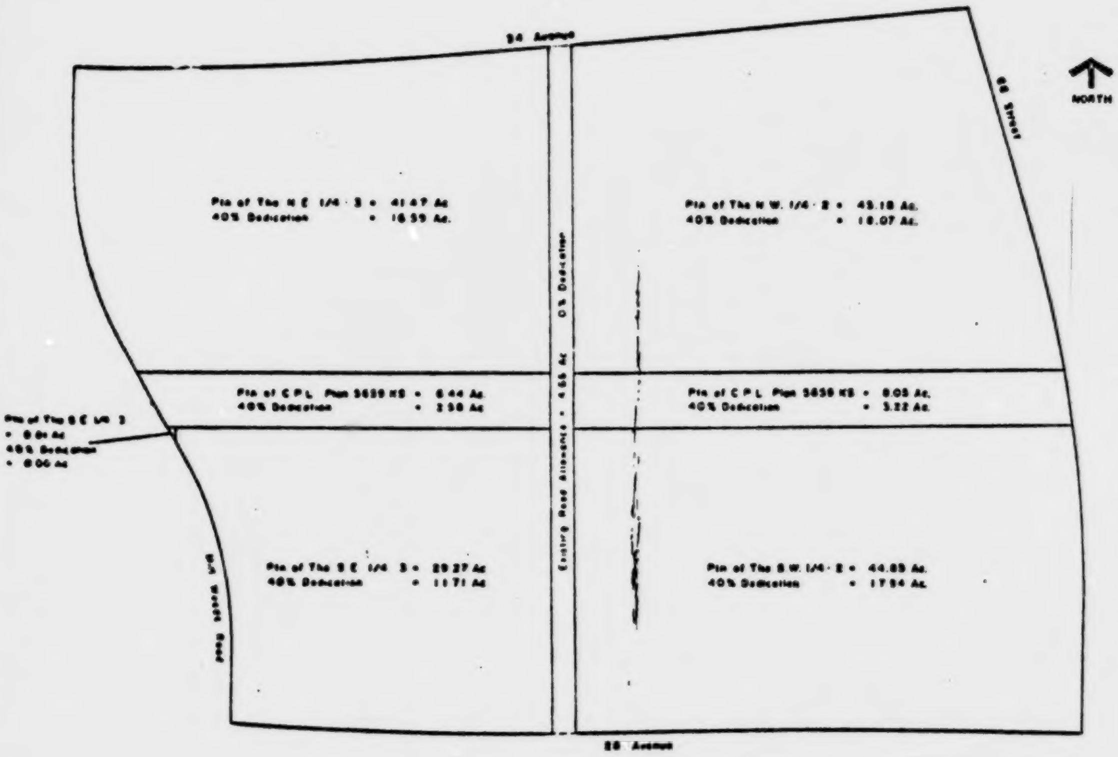

MILL WOODS PROJECT AREA
TWEDDLE PLACE
MICHAELS PARK
RICHFIELD
LEE RIDGE
TIPASKAN
KAMEYOSEK
CAMPUS
MEYONOHK
EKOTA
SATOO

VICINITY PLAN

↑ N

☐ AREA REQUESTED FOR SUBDIVISION APPROVAL

DATE: JULY/76


34 Avenue
66 Street
NORTH
Ptn of The N E 1/4 · 3 = 41.47 Ac
40% Dedication = 16.59 Ac.
Ptn of The N.W. 1/4 · 2 = 45.18 Ac.
40% Dedication = 18.07 Ac.
Existing Road Allowance = 4.66 Ac 0% Dedication
Ptn of C.P.L. Plan 5659 KS = 6.44 Ac.
40% Dedication = 2.58 Ac
Ptn of C.P.L. Plan 5659 KS = 8.05 Ac.
40% Dedication = 3.22 Ac.
Ptn of The S E 1/4 3
= 0.01 Ac
40% Dedication
= 0.00 Ac
Mill Woods Road
Ptn of The S E 1/4 3 = 29.27 Ac
40% Dedication = 11.71 Ac
Ptn of The S.W. 1/4 · 2 = 44.85 Ac.
40% Dedication = 17.94 Ac.
28 Avenue

COMPUTATION RECORD PLAN
KAMEYOSEK NEIGHBOURHOOD - LAKEWOOD COMMUNITY

DESCRIPTION	AREA WITHIN K.N.	CIRCULATION DEDICATION	RESERVE DEDICATION
Ptn of The N E 1/4 Sec 3 52 24 W4	= 41.47	30% = 12.44	10% = 4.15
Ptn of The S E 1/4 Sec 3 52 24 W4	= 29.27	30% = 8.78	10% = 2.93
Ptn of The S E 1/4 Sec 3 52 24 W4	= 0.01	30% = 0.00	10% = 0.00
Ptn of The N W 1/4 Sec 2 52 24 W4	= 45.18	30% = 13.55	10% = 4.52
Ptn of The S W 1/4 Sec 2 52 24 W4	= 44.85	30% = 13.46	10% = 4.48
Ptn. of C P L Plan 5659 KS	= 6.44	30% = 1.94	10% = 0.64
Ptn of C P L Plan 5659 KS	= 8.05	30% = 2.41	10% = 0.81
SUB - TOTAL	= 175.27 Ac.	= 52.58 Ac.	= 17.53 Ac
Existing Government Road Allowance	= 4.66	Credit C of E = 4.66	
GRAND - TOTAL	= 179.93 Ac.	= 57.24 Ac.	= 17.53 Ac
City of Edmonton Entitlement		= 57.24 Ac + 17.53 Ac	= 74.77 Ac

NOTE

All Government Road Allowance and Existing Roadways are subject to no dedication

All computations are based on the centerline of adjacent arterial roadways

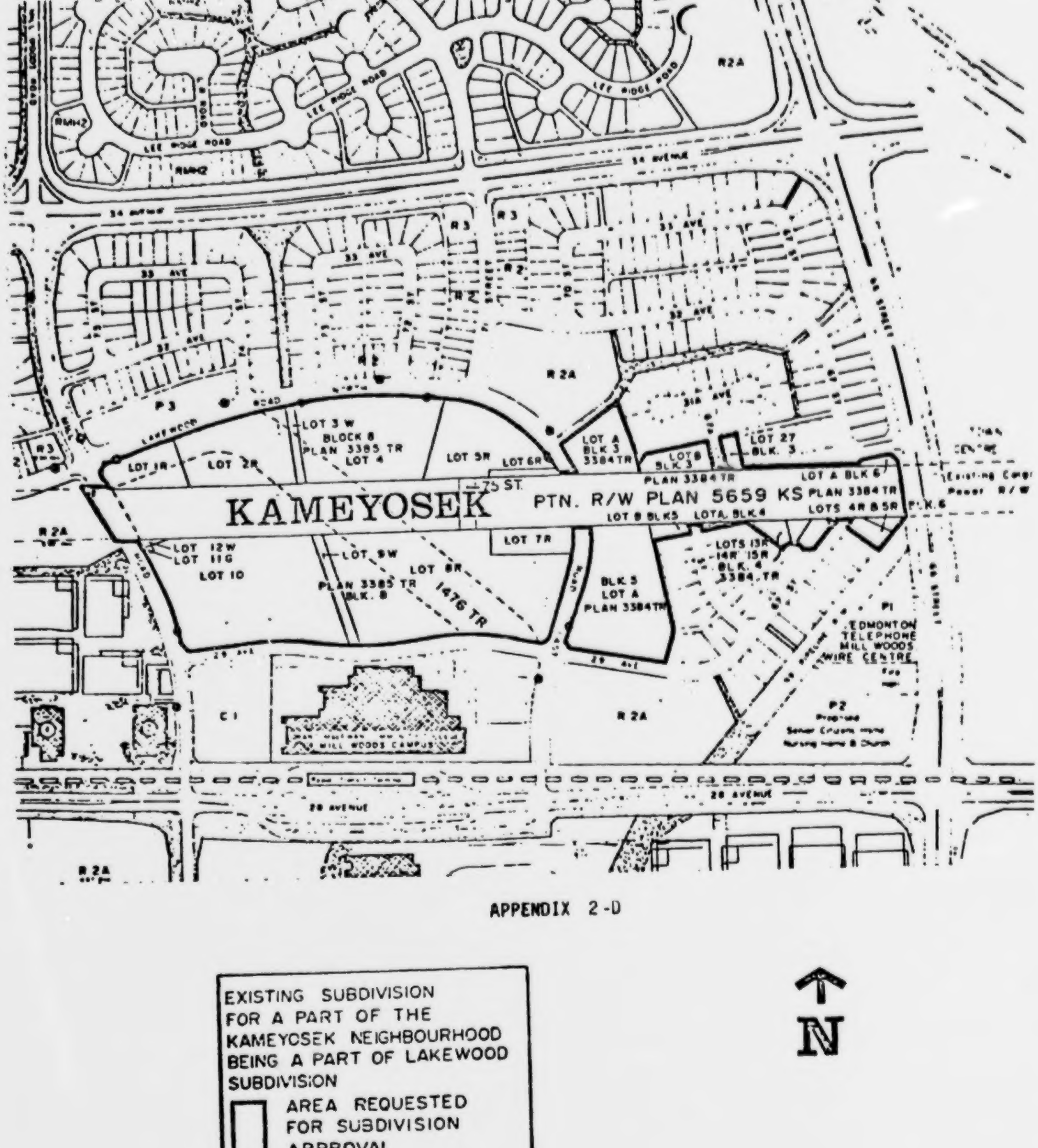
PROJECTED PLAN

Total area of the Kameyosek Neighbourhood to centerline of arterial roadways	= 179.93 Ac
Circulation system requirement for the Kameyosek Neighbourhood	= 60.11 Ac
School and Park requirement for the Kameyosek Neighbourhood	= 15.21 Ac

PROPORTIONAL BREAKDOWN OF RESERVE DEDICATION

		ENTITLEMENT	REQUIREMENT	BALANCE
Public School Board	= 52.5% of 17.53	= 9.20	= 7.72	= + 1.48
Separate School Board	= 17.5% of 17.53	= 3.07	= 0.00	= + 3.07
Parks & Recreation	= 30.0% of 17.53	= 5.26	= 7.49	= - 2.23
TOTAL	= 100.0%	= 17.53 Ac	= 15.21 Ac	= + 2.32 Ac
CIRCULATION:		= 57.24	= 60.11	= - 2.87
RESERVE:		= 17.53	= 15.21	= + 2.32
TOTAL		= 74.77 Ac	= 75.32 Ac	= - 0.55 Ac

TOTAL AREA TO BE PURCHASED BY CITY OF EDMONTON FROM MILL WOODS PROJECT = 0.55 Ac.


KAMEYOSEK
PTN. R/W PLAN 5659 KS
LEE RIDGE ROAD
34 AVENUE
33 AVE
32 AVE
31A AVE
29 AVE
28 AVENUE
LAKEWOOD ROAD
75 ST.
R2A
R3
R2
P3
RMH2
C1
P1
P2
LOT 1R
LOT 2R
LOT 3 W
BLOCK 8
PLAN 3385 TR
LOT 4
LOT 5R
LOT 6R
LOT 7R
LOT 8R
LOT 9W
LOT 10
LOT 11G
LOT 12W
PLAN 3385 TR
BLK. 8
1476 TR
LOT A
BLK 3
3384TR
LOTS
BLK 3
PLAN 3384TR
LOT 27
BLK. 3
LOT A BLK 6
PLAN 3384 TR
LOTS 4R & 5R
LOT B BLK5
LOT A BLK4
BLK 5
LOT A
PLAN 3384TR
LOTS 13R
14R 15R
BLK. 4
3384 TR
EDMONTON
TELEPHONE
MILL WOODS
WIRE CENTRE
Proposed Senior Citizens Home Nursing Home & Church
MILL WOODS CAMPUS
Existing Power R/W

APPENDIX 2-D

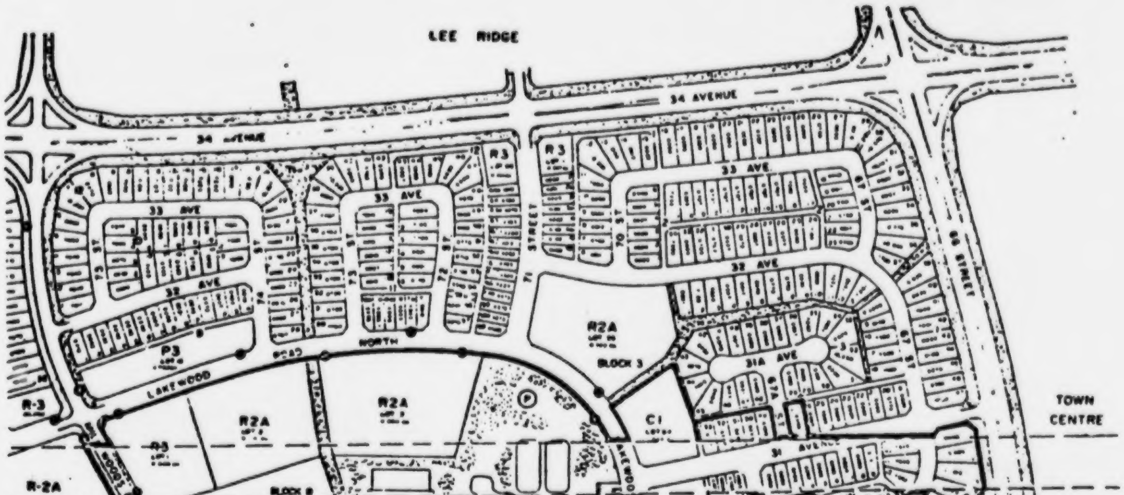
EXISTING SUBDIVISION
FOR A PART OF THE
KAMEYOSEK NEIGHBOURHOOD
BEING A PART OF LAKEWOOD
SUBDIVISION

▯ AREA REQUESTED FOR SUBDIVISION APPROVAL

SCALE: 1" = 500'
DATE: JULY/76

↑
N

APPENDIX 2-E


LEE RIDGE
34 AVENUE
34 AVENUE
33 AVE
33 AVE
33 AVE
32 AVE
32 AVE
31A AVE
31 AVE
29 AVE
29 AVE
28 AVENUE
71 STREET
70 ST
66 STREET
66 STREET
LAKEWOOD ROAD NORTH
LAKEWOOD ROAD EAST
LAKEWOOD ROAD
TOWN CENTRE
R3
R 3
R-3
R-2A
R2A
P3
P-1
C1
P2
P1
BLOCK 3
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
FUTURE SUBDIVISION
PIPELINE R/W

PROPOSED FORM OF SUBDIVISION
FOR A PART OF THE KAMEYOSEK
NEIGHBOURHOOD BEING A PART
OF LAKEWOOD SUBDIVISION

☐ AREA REQUESTED FOR SUBDIVISION APPROVAL

SCALE: 1"=500' DATE: JULY /7

CASE STUDY 3: BLUE QUILL IIC

3.1 Introduction

The Blue Quill IIC Case Study involves three components: District Outline Plan, Neighbourhood Outline Plan and Subdivision by Replotting Scheme. Concurrent with the last component was a Zoning Bylaw Amendment. The study area is located at the extreme southern margin of Edmonton in the Kaskitayo Community. Blue Quill IIC covers 99.5 gross developable acres and lies adjacent to the Whitemud Creek Ravine which forms the western boundary of the neighbourhood.

3.2 Findings

3.2.1 Process

The process involved the approval of a District Outline Plan, a Neighbourhood Outline Plan and a Subdivision by Replotting Scheme. This represents a total time period of almost six years during which numerous negotiations and revisions occurred.

District Outline Plan

In 1970 the developer engaged a consultant to prepare a District Outline Plan based on City Council's receipt of a report on development guidelines for the Kaskitayo Outline Plan area. Council reviewed this report in November, 1970 and it was subsequently circulated among the land owners in the area. The developer's consultant submitted the District Outline Plan in February, 1971.

The District Outline Plan went before the Municipal Planning Commission in August, 1971, where it was tabled pending reports on several aspects of the Plan. It was subsequently dealt with by the Municipal Planning Commission on four other occasions over a 21 month time period. Conditional support was granted in February 1973, but this was contingent upon Annexation hearings of the Provincial Local Authorities Board. Area resident concerns about traffic circulation were aired at a public meeting in early May, 1973. The Municipal Planning Commission incorporated the resultant changes and allowed presentation to City Council in June of that year. The Plan was finally approved by City Council in October, 1973.

In April, 1974, City Council authorized a soil stability study of the Whitemud Ravine. The outcome of this study was a redefinition of the Outline Plan (according to the developer representative interviewed).

Neighbourhood Outline Plan

The developer submitted a Neighbourhood Outline Plan in May, 1974. Revisions were required of this plan because a top-of-bank roadway was too costly for this particular site. Ravine access proved to be a major issue in this application. The City's top-of-bank policy was ultimately modified by the Municipal Planning Commission. The Neighbourhood Outline Plan went through four iterations of revisions and was dealt with by the Municipal Planning Commission on three occasions. Although, in theory, the Municipal Planning Commission should handle a Neighbourhood Outline Plan only once, the Administration felt that in this case, the degree of completeness of the application warranted further considerations. The plan was approved in February, 1976.

Subdivision by Replotting Scheme

On April 27, 1976, the Municipal Planning Commission recommended that Council authorize the preparation of a Subdivision by Replotting Scheme. A contentious issue arises here because the developer claims that a Subdivision by Plan was applied for, and "someone in City Hall mysteriously changed it to a replot." This was considered by the developer to be a crucial event since a subdivision by plan decision can be appealed to the Provincial Planning Appeal Board, a replot cannot. The developer also claimed that the plan was processed as a replot by the Municipal Planning Commission without his knowledge and this was not discovered until approval was given with the City's conditions attached; the processing in this case was done in a closed meeting precluding the participation of the owners.

In any event, City Council granted authority for the developer to prepare a Subdivision Replot (May 26, 1976), and the Planning Department processed the Replot and the Zoning Change applications concurrently. After two meetings, the Municipal Planning Commission gave the application conditional approval, and it was presented to Council. After going through the process of requesting amendment of the Regional Plan by the Edmonton Regional Planning Commission (in order to have the Zoning Bylaw amended), City Council approved and adopted the Subdivision by Replot and the concomitant Zoning Bylaw amendment in July, 1976.

3.2.2 Delays

The major delay seems to have occurred at the Neighbourhood Outline Plan stage, after some initial delays with the approval of the District Outline Plan. The City's Top-of-Bank Policy served as a major obstacle to quick approval. The Planning Department's point of view here is that while the delay is not completely excusable, it was due to the fact that the top-of-bank policy was just new at that time, and it had not yet been refined. The Planning Department

TABLE 3.1

PLAN PROCESSING DELAYS (Blue Quill IIC)

Event	Actual Processing Time	Maximum Estimate	Delay
District Outline Plan	32 months	18 months	14 months
Neighbourhood Outline Plan (1st submission)	3 months N.B. Withdrawn	6 months	18 months
Revised Neighbourhood Outline Plan	3 months	6 months	-
Subdivision Replotting Scheme	4 months	12 months	-
	42 months	42 months	

Source: Appendix A

files suggest that some 18 months should be subtracted from the Neighbourhood Plan stage delay because the developer desired revisions owing to changing market conditions. The developer interview reveals a rather strong rebuttal of this interpretation:

> This (time) was used up due to administration changes in Top-of-Bank Policy, 23rd Avenue transportation design, rapid transit on 23rd Avenue Study, Noise Study, all initiated by the City to the frustration of the developer. ... 42 months is a terrible length of time to wait.

The overall delay was reduced by processing the Replot and Rezoning components concurrently. Taking all of the components, the 42 months corresponds with the maximum estimate as determined by the City Administration (Table 1).

3.2.3 Causes of Delays

Site Problems. The Blue Quill Neighbourhood IIC exhibited site constraints which made the application of the City's Top-of-Bank Policy difficult. Several revisions had to be made to the planning of the ravine area and arguments ensued over whether lands between the top-of-bank road and the building set-back line were to be included in the calculations for the reserve dedication by the developer. Ultimately, the Municipal Planning Commission modified the Policy in order to approve the Neighbourhood Outline Plan. The developer interview indicates a concern that the process of modifying the Policy created unnecessary delay.

Annexation. When the District Outline Plan was submitted for approval some of the area under the plan had yet to be annexed by the City. This situation placed the ultimate decision in the hands of the Province (Local Authorities Board). The City expedited this component of the approval process by accepting the Outline Plan prior to annexation (contingent on the outcome of the Local Authorities Board's favorable decision).

3.2.4 Regulations and the Application of Regulations

In the case of the District Outline Plan, difficulties arose with the location of certain uses within areas subject to annexation; this brought provincial government regulations into the arena.

The Top-of-Bank Policy provides general guidelines for the development of land which is adjacent to ravines. The issue arose with the application of the policy guidelines. The Municipal Planning Commission advocated a literal interpretation of the policy. Administration files lead to the interpretation that in the end, the policy was modified so that the design of the subdivision could proceed to the developer's satisfaction. The developer interview sheds light from a different angle here: "...it was modified because the written policy favoured the developer and not what specific individuals on the Municipal Planning Commission wanted to see. It was changed so as to justify what they (the City) wanted."

It has been demonstrated in this case study that the process can be shortened by the concurrent processing of the Subdivision by Replot and Zoning Bylaw Amendment.

3 .3 Summary and Conclusion

3 .3.1 Summary of Findings

The Blue Quill Neighbourhood IIC development approval process lasted from early 1971 with the submission of the District Outline Plan until the summer of 1976 with the final approval of the Replotting Scheme and Zoning Bylaw amendment by City Council.

Several factors were revealed by the case study. In summary, these are:

3.3.1.1 While delays were experienced in the Outline Plan stages of the development approval process, the administration was able to make up lost time during the subdivision and zoning stages. The overall process was conducted within the maximum cumulative time frame established by the City.

3.3.1.2 There were delays of 14 months in the approval process for the District Outline Plan; and 18 months for the Neighbourhood Outline Plan. Gains were made by quick approval of the Subdivision Replot and the Zoning Bylaw amendment which were considered concurrently.

3.3.1.3 The sequence of development approval was broken off for 18 months during the Neighbourhood Outline Plan stage of the process. According to the interpretation of Planning Department files, this was at the request of the developer who wished to incorporate design changes. These changes were the result of "market changes". The developer representative interviewed argues that the City could not decide how much right-of-way it wanted; until this decision was made, a final design could not be effected by the applicant.

3.3.2 Conclusion

3.3.2.1 "Short cuts" can be taken along the development approval process.

3.3.2.2 Conformity to Outline Plans can eliminate obstacles in the approval process as long as administrative policies underlining these Plans remain constant during the process; when policies keep changing, it is difficult for the applicant to conform.

3.3.2.3 The Municipal Planning Commission's referral of the report on the Top-of-Bank back to the Planning Department for definition implies either incompleteness of the report, or the lack of preparation by Municipal Planning Commission members.

3.3.2.3 Changing of policy and regulations while an application is being processed creates not only confusion and delay, but also poor rapport between the applicant and the administrator. Such changes cannot be avoided, but they should be implemented with care and concern for the effect they might have on those working within the approval system.

Costs of Delay

The developers of the Blue Quill 2C project were unable to provide data on land values from their records. It is possible to estimate a land value of $42,000 per acre on the basis of sales data in the Ramsay Heights project (Case Study #7). The project encompassed 99.5 acres. Cost of funds to the developer can be estimated at ten per cent prime rate plus a two per cent risk premium for a total of twelve per cent.

Costs of delay in this case brings on the interpretation of the time delay results. From the viewpoint of the regulators, only a six month delay was involved since part of the elapsed time was accounted for by the developer's revisions of the plans. The dollar costs on this interpretation would be $251,000. From the developer's point of view, the revisions resulted from changes in the regulations mid-way through the project and should therefore properly be included in total processing time. This would amount to a delay of 21 months in the receipt of $4,179,000 for a delay cost of $878,000.

3.4 Chronology of Significant Events

Nov. 23 1970 City Council
Received Kaskitayo Outline Plan Development Guidelines

- circulated to land owners

Feb. 26 1971 Developer's Consultant
Submits Application for District Outline Plan

- should take 18 months maximum

Aug. 11 1971 Municipal Planning Commission
Presentation of Outline Plan

- major concerns appeared to be the transportation system requirements, the large area for streets and roads, the availability of a high school site in relation to the staging of development, and the provision of public housing in the area (City Council resolution that five per cent of population in new areas should be provided with public housing).
- M.P.C. requests report on Whitemud Creek storm drainage
- M.P.C. requests that Planning Department review a condominium site and integrate this site into the Outline Plan review (this site being developed by an owner independent from the applicant).

Feb. 16 1972 Municipal Planning Commission
Special Meeting (review of Outline Plan)
Tabled for Special Meeting on March 16, 1972 (this was tabled again until March 23)

Mar. 23 1972 Municipal Planning Commission
Special Meeting (review of Outline Plan)
Tabled (problems with district school park and campus site

Aug. 26 1972 (18 month time period elapsed - plan approval is behind schedule)

Feb. 15 1973 Municipal Planning Commission
Conditional Support of District Outline Plan

- contingent upon annexation before Local Authorities Board

May 1 1973 Public Meeting

- residents concerned about traffic

June	7	1973	Municipal Planning Commission Tabled after discussion of area resident concerns
June	21	1973	Municipal Planning Commission Changes in circulation plan incorporated Allows Presentation to Council
Oct.	23	1973	City Council Approves Kaskitayo District Outline Plan (cumulative delay: 14 months)
Apr.	26	1974	City Council Authorizes Whitemud Ravine Slope Study
May	21	1974	Developer's Consultant First Submission of Neighbourhood Outline Plan - should take six months
June		1974	Developer's Consultant Revisions to Plan - cul-de-sac approach, some lots deleted for ravine access - top-of-bank road not feasible (Developer Interview Note: developer tried to design according to top-of-bank road standards but it was not practical; it was more practical to have lots backing onto the the ravine. If this was not done, revenue land (under the Planning Act) would have been wasted and the City would not pay for, or give credit for this land)
July	10	1974	Technical Review Committee Referred to Planning Department - Parks Department concerned about Top-of-Bank Policy
Aug.	29	1974	Municipal Planning Commission Conditional Approval of Neighbourhood Outline Plan - subject to engineering study of Whitemud Ravine
Sept.		1974	Developer Revises Plans - changing market needs - Light Rail Transit negotiations - three month's plan processing held in abeyance - zero lot line development studied

(Developer Interview Note: The zero lot line development was studied and the site was removed from the plan so that the balance of the land could be processed more quickly. The three-month abeyance was caused by LRT negotiations which commenced after the developer had submitted their plan for approval. The delay was caused by the City trying once again to define a policy after a plan was submitted).

Oct. 21 1975 R. H. Hardy, Consultant
Soil Stability Study Completed (took 18 months)

(Developer Interview Note: Developer questioned the length of time taken to complete the study and noted that the City took time to accept the result of the study as it applied to building setbacks, extra reserve, etc.)

Nov. 1975 Developer
Revised Plans Submitted (in accordance with soil stability study)

Jan. 1976 Municipal Planning Commission Top-of-Bank Policy
Referred Back to Planning Department (Planning Department recommendation for greater flexibility needs more definition)

- Developer pursues plan approved with top-of-bank roadway, but demands credit for reserve dedication of land between road and top-of-bank.

Feb. 12 1976 Municipal Planning Commission
Modifies Top-of-Bank Policy
Neighbourhood Outline Plan receives Conditional Approval

- Developer's request for reserve credit refused. Developer loses 2.3 acres dedication

(Developer Interview Note: Developer's opinion is that this refusal was against the Planning Act, but time did not allow an appeal. In effect, the developer gave up 2.3 acres of developable land which probably would have yielded twelve extra lots at $28,000 (for a total of $336,000), but gave up the land so that they could service the remaining land quickly. The lot prices were increased to make up for this loss of developable land.)

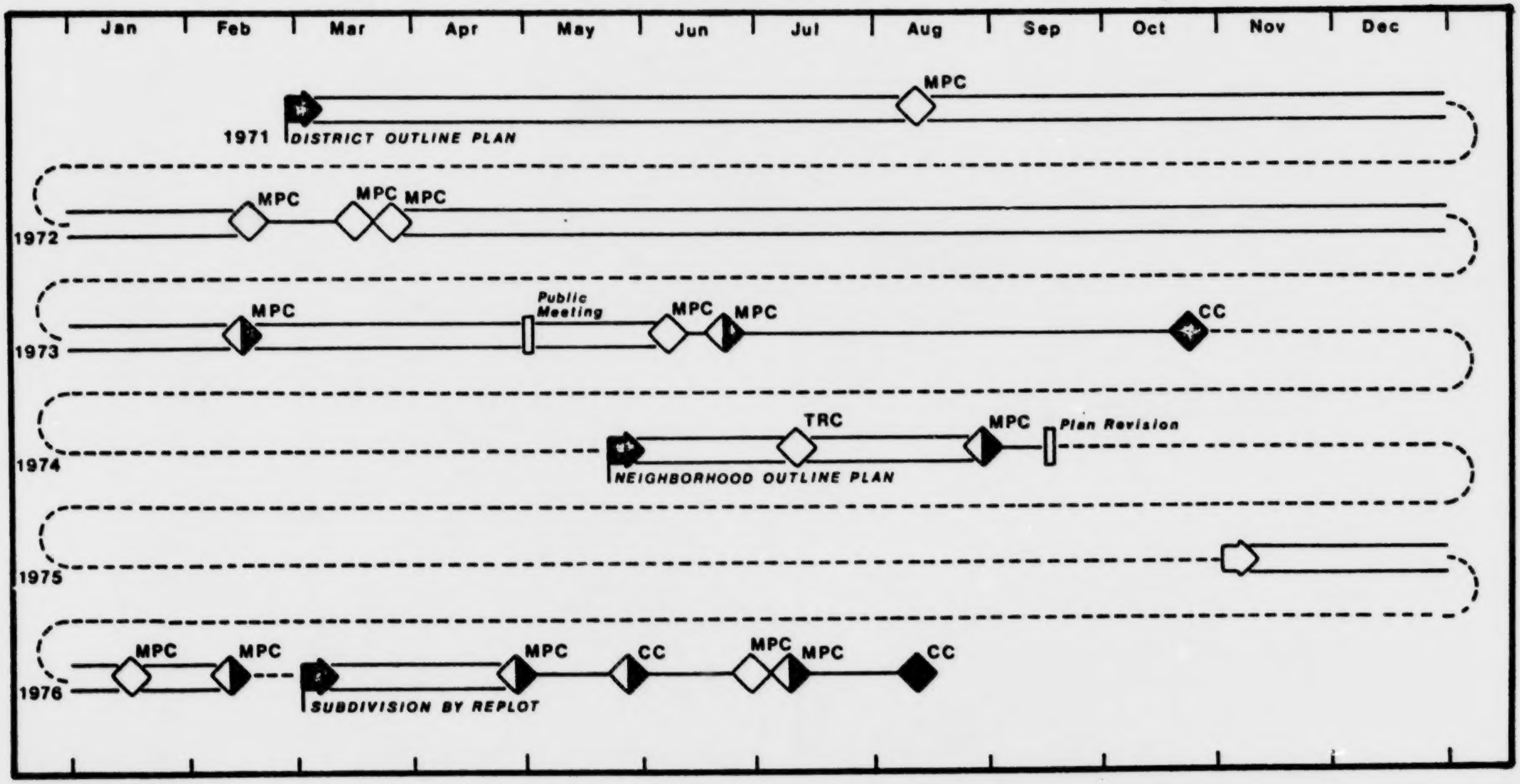
April 22 1976 Municipal Planning Commission
Recommends that Council Authorize Preparation of Subdivision by Replotting Scheme (purpose of the replot was to allow for the closure of a road allowance

which passed directly through the subdivision and was no longer required)

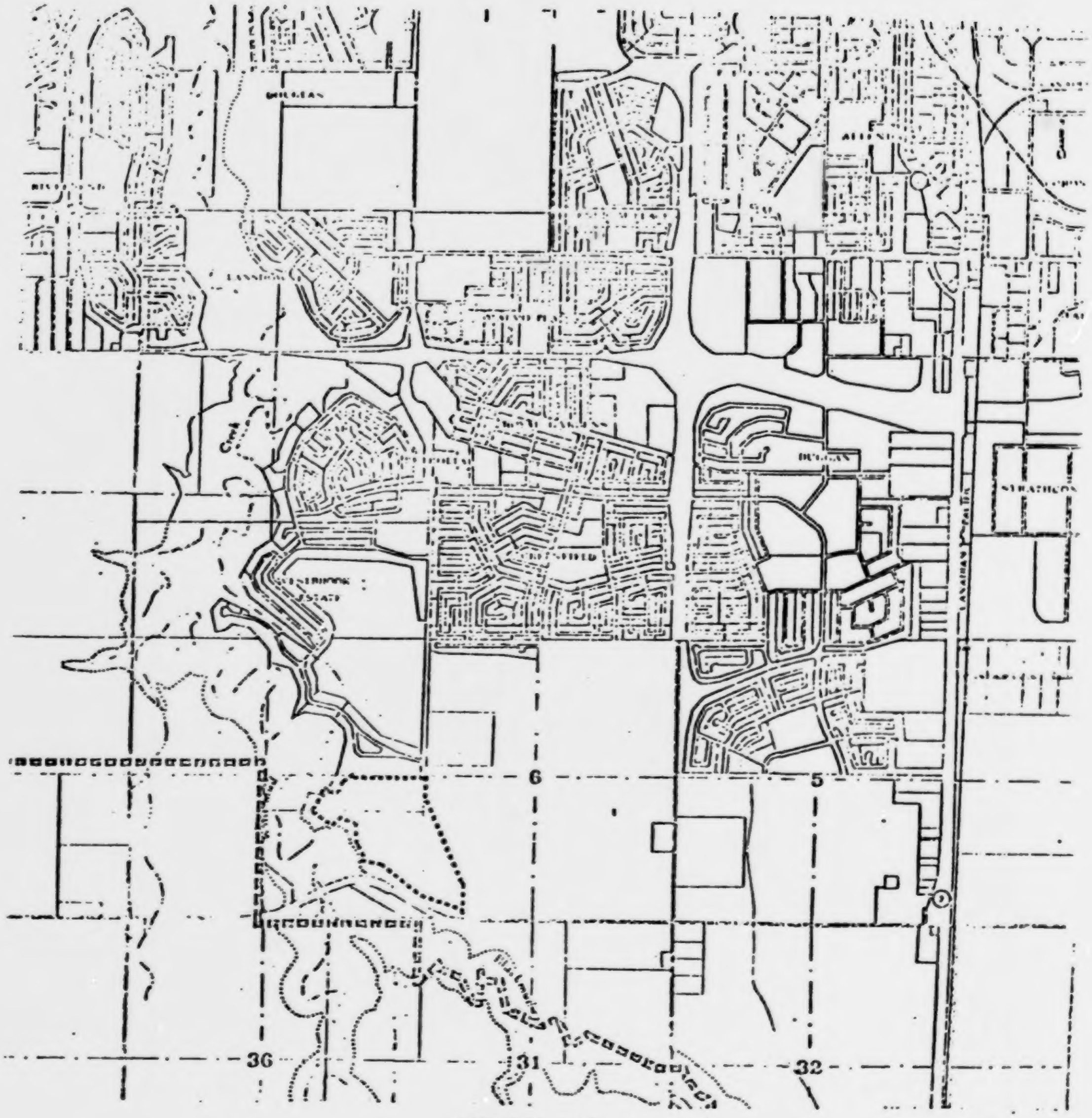
(Developer Interview Note: The Planning Act, i.e., law allows for applications under plan of subdivision or replot, both of which must be signed by the owner applicant or his agent. The developer claims that he submitted a plan of subdivision and a replot was approved. "Somewhere along the process, the City Administration took it upon themselves to 'change' our application--they can't do this--they have to process what is applied for and can reject it but can't change the application. They, in fact, did change it")

May 26	1976	City Council Authorizes Preparation of Subdivision Replot
June 30	1976	Municipal Planning Commission Submission of Subdivision by Replot Tabled (requests detailed subdivision for a portion of the replot)
July 8	1976	Municipal Planning Commission Conditional Approval of Replot
July 13	1976	City Council Recommends Amendment of Regional Plan (by Edmonton Regional Planning Commission - necessary to permit Council's approval of zoning for replot)
Aug. 11	1976	City Council Approves and Adopts Subdivision by Replotting Scheme and Zoning (well within 12 month maximum and six month minimum time frames established by the City)
Aug. 30	1976	Development Agreement Signed

APPENDIX 3-A



3. BLUE QUILL II



APPENDIX 3--8

KASKITAYO RESIDENTIAL AREA

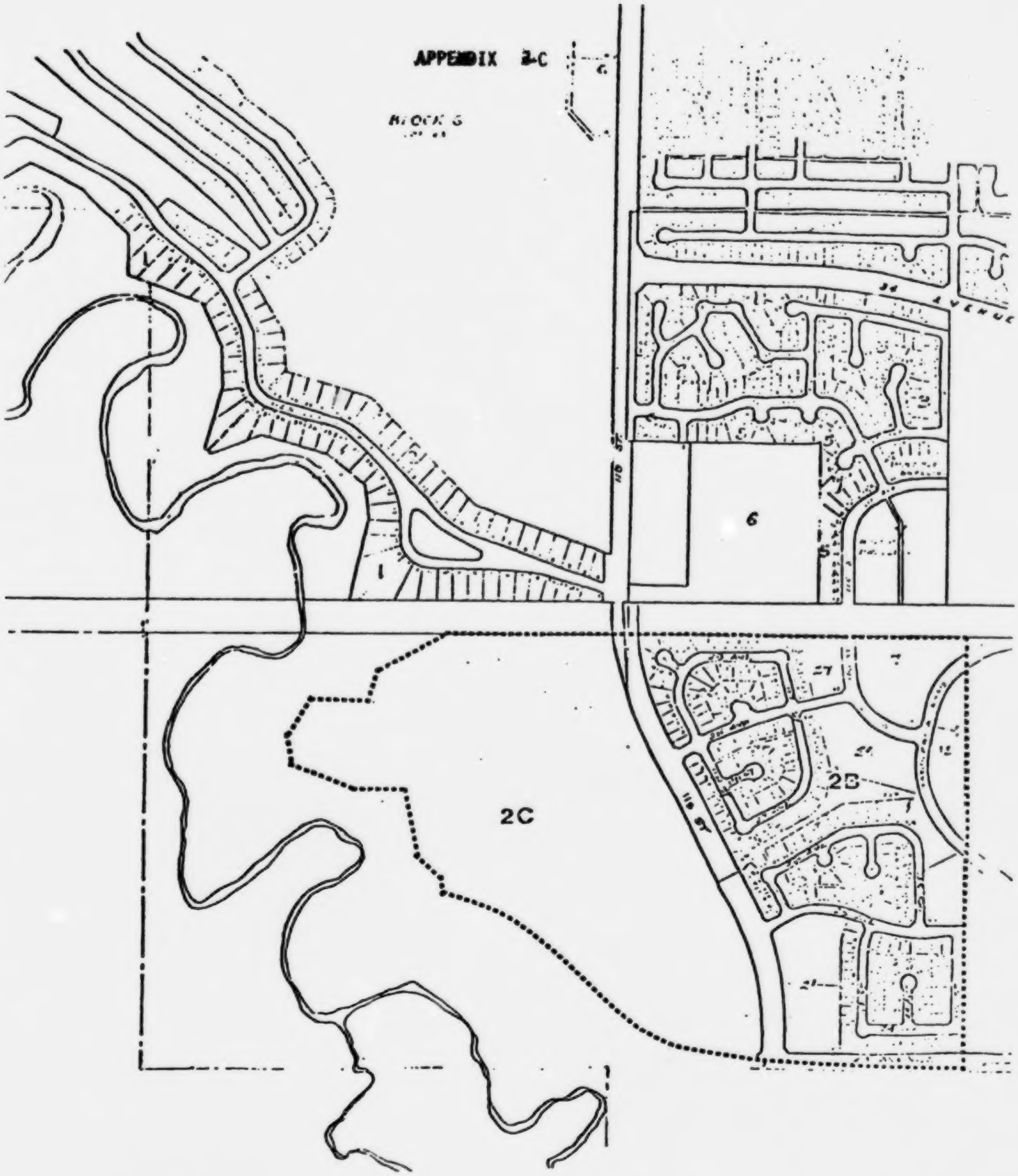
.... Boundary

VICINITY MAP

Subdivision name - BLUE QUILL

Subdivision Planning Branch
Date - Feb. 12, 1976

APPENDIX 2-C


BLOCK 5
6
1
2C
2B
116 ST
34 AVENUE

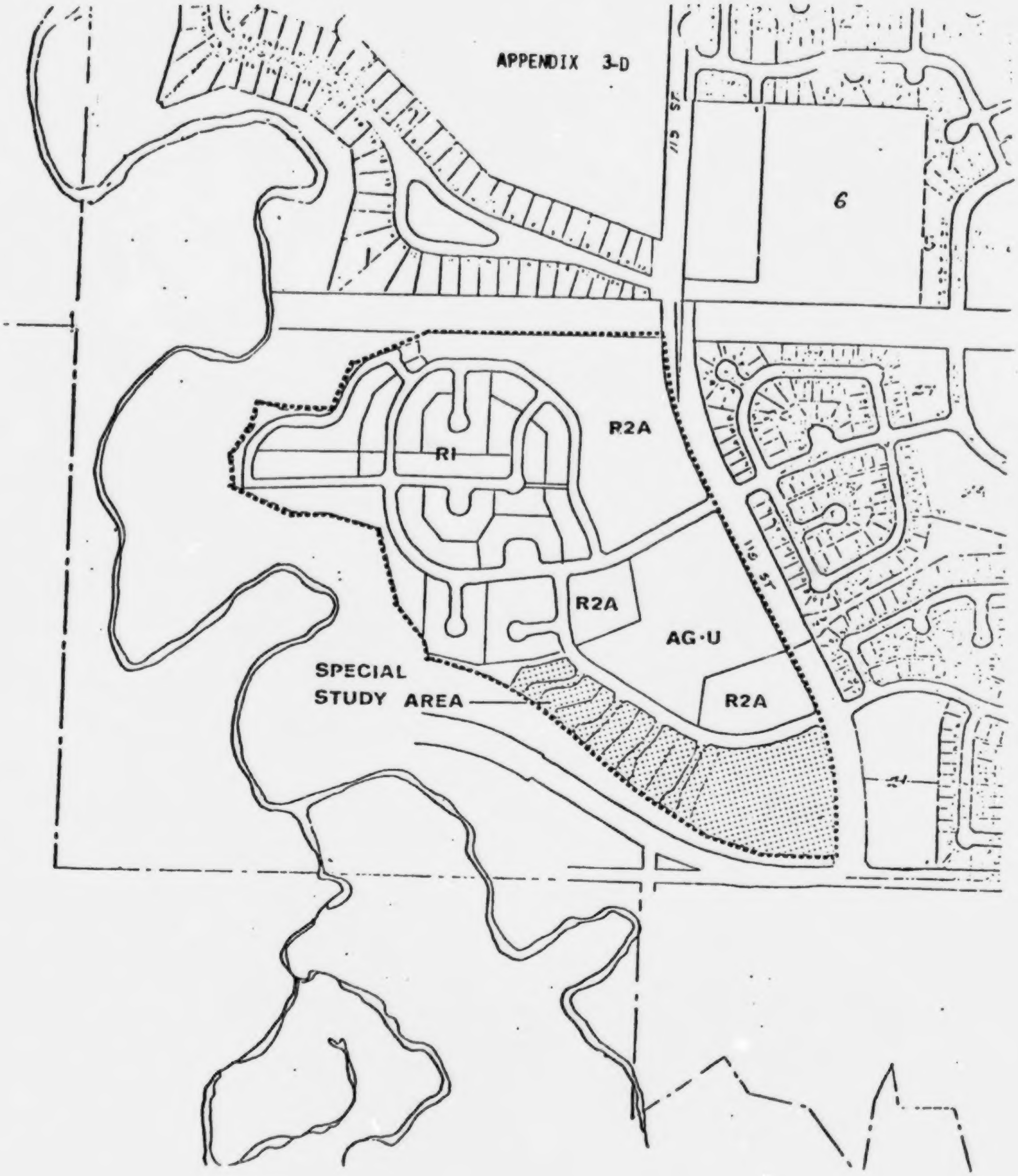
.... Boundary

EXISTING NEIGHBORHOOD OUTLINE PLAN

Subdivision name-BLUE QUILL

Subdivision Planning Branch

Date-Feb. 12 , 1976


APPENDIX 3-D
115 ST
6
R2A
RI
R2A
AG·U
SPECIAL STUDY AREA
R2A
116 ST
27
24
21

.... Boundary

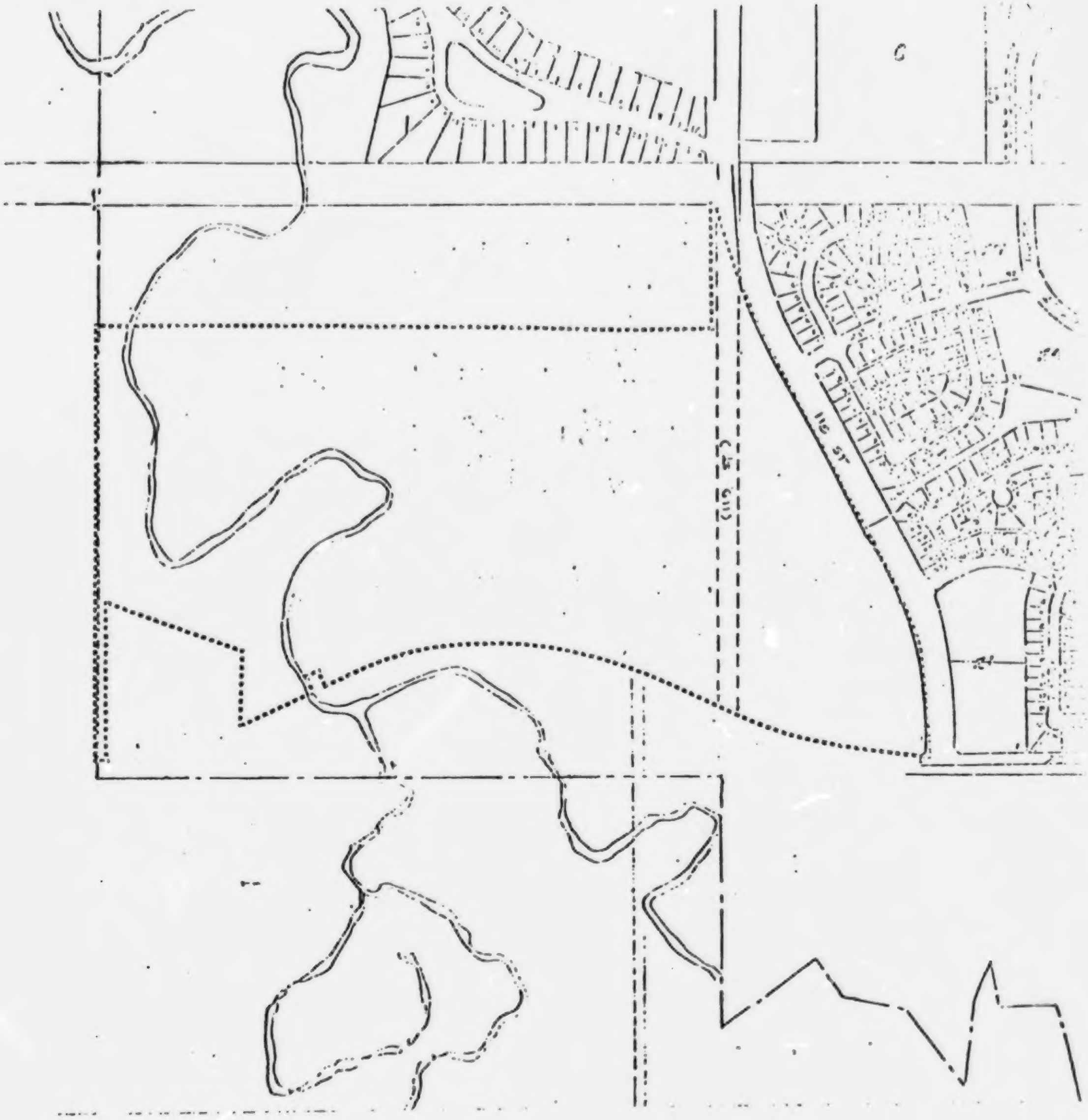
PROPOSED PORTION NEIGHBORHOOD OUTLINE PLAN

Subdivision name-BLUE QUILL

Subdivision Planning Branch

Date-Feb. 12, 1976

APPENDIX 3-E



.... Boundary

EXISTING SUBDIVISION

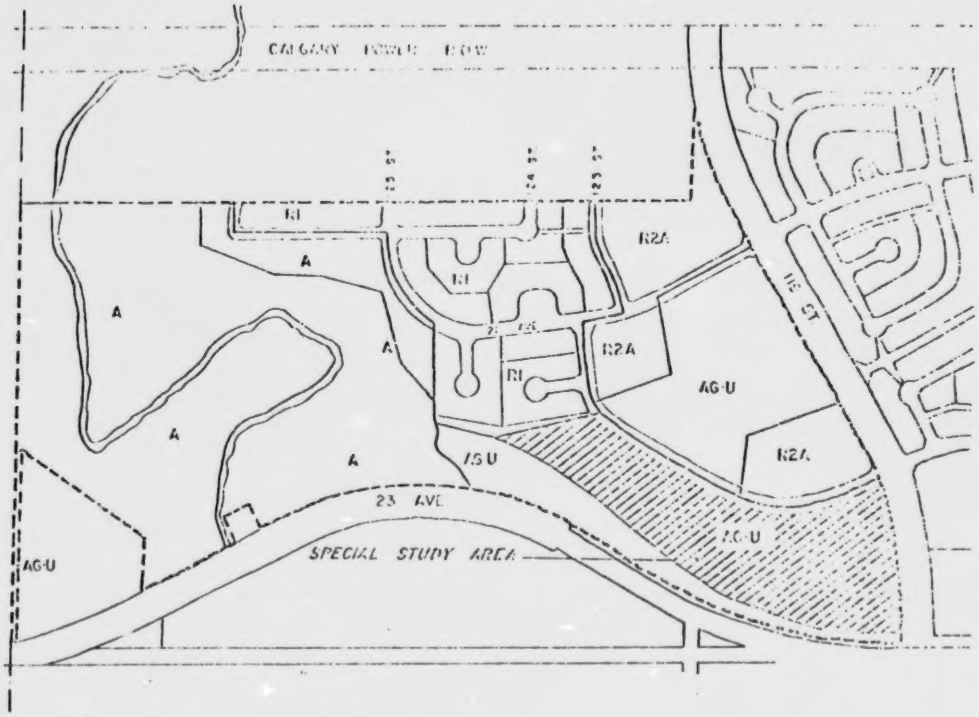
Subdivision name-BLUE QUILL

File number-76-X-068R

Subdivision Planning Branch

Date- JULY 8 ,1976

APPENDIX 3-F



CALGARY POWER R.O.W.
125 ST
124 ST
123 ST
R1
A
R2A
R1
A
A
A
23 AVE
R1
R2A
AG-U
116 ST
R2A
AG-U
A
AG-U
23 AVE
SPECIAL STUDY AREA
AG-U

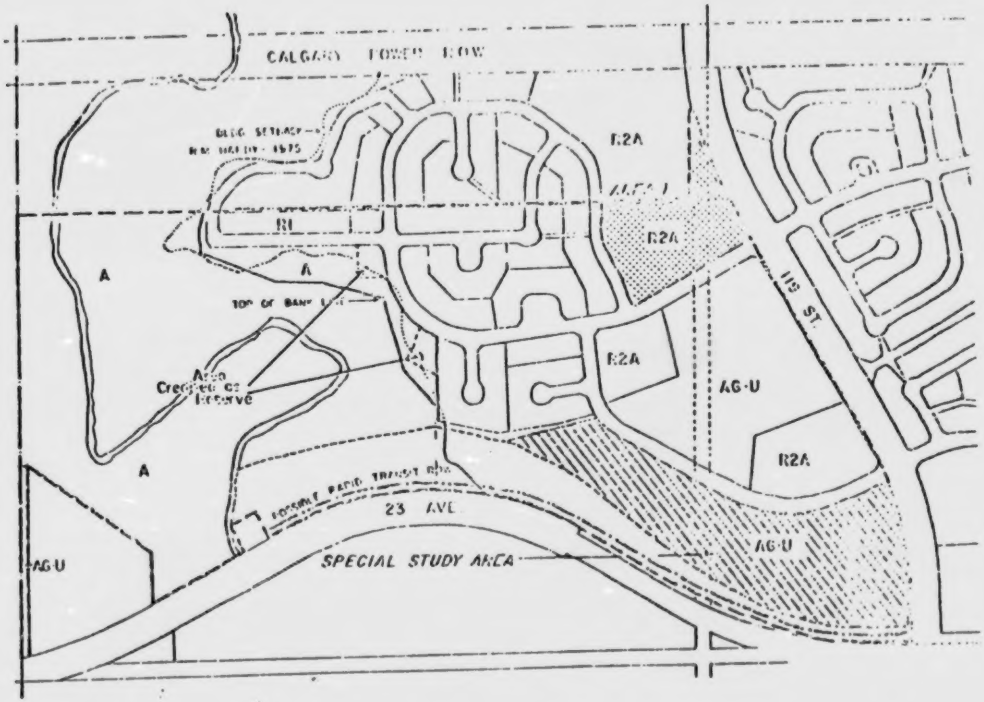
―――― limit of area requested
for approval and adoption

PROPOSED SUBDIVISION

Subdivision name-BLUE QUILL 2C
File number-76-X-058R

Subdivision Planning Branch
Date-JULY 8, 1976

APPENDIX 3-G


CALGARY POWER R/W
BLDG SETBACK
R1
A
R2A
R2A
A
TOP OF BANK LINE
Area Credited as Reserve
119 ST.
R2A
AG-U
R2A
A
POSSIBLE RAPID TRANSIT R/W
23 AVE
AG-U
SPECIAL STUDY AREA
AG-U

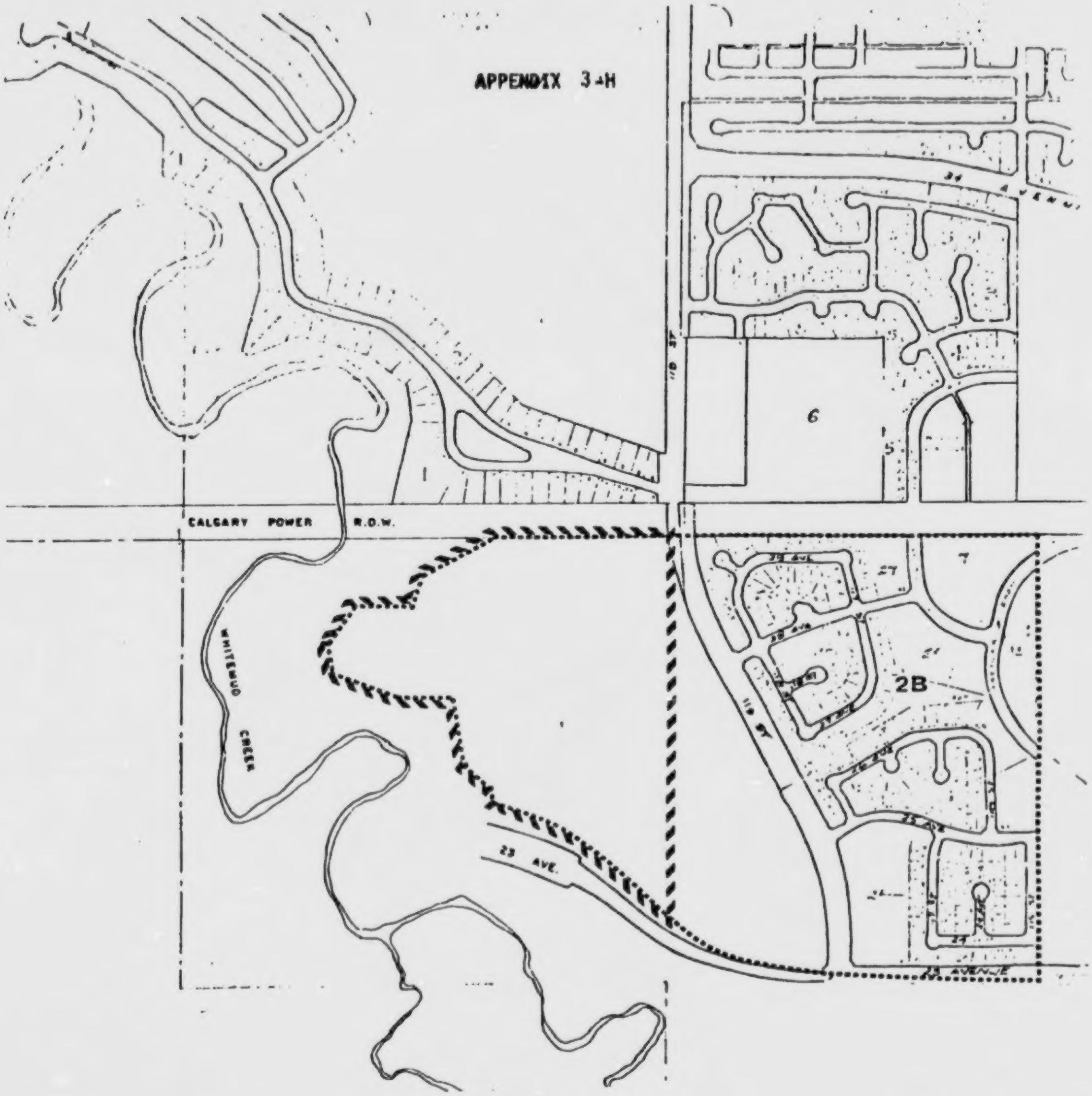
--- LIMIT OF REPLOT

SCHEDULE OF
LAND TRANSACTIONS
UNDER REPLOT

BLUE QUILL
NEIGHBORHOOD 2C
KASKITAYO

SUBDIVISION PLANNING BRANCH,
JULY 8, 1976

APPENDIX 3-H


34 AVENUE
110 ST
6
5
1
CALGARY POWER R.O.W.
WHITEMUD CREEK
7
27
2B
110 ST
23 AVE.
23 AVENUE
24

▚▚▚▚ BOUNDARY OF REGIONAL PLAN AMENDMENT

BLUE QUILL NEIGHBORHOOD - CARMA 2C
KASKITAYO

SUBDIVISION PLANNING BRANCH

JULY 13, 1976

CASE STUDY 4: LA PERLE SUBDIVISION

4.1 Introduction

La Perle Subdivision is located in the Primrose Neighbourhood which is in turn within the West Jasper Place District Outline Plan Area. The application initially involved a Subdivision by Replotting Scheme, but this was resubmitted as a Subdivision by Plan. The applicant is a private developer. The subdivision has a gross development acreage of 59.14 acres.

4 .2 Findings

4 .2.1 Process

The application for subdivision approval of La Perle was originally pursued as a subdivision by replotting scheme in the fall of 1978. By December in face of numerous objections received through the administration's circulation of the application, the proposal was withdrawn.

The Replotting Scheme was superceded by an application for Subdivision by Plan. This latter process involved several revisions. The Municipal Planning Commission granted conditional approval in April 1979. Linen plans were submitted by the developer in June (See Appendix A).

Both of the required antecedent Outline Plans had received Council approval. The Primrose Neighbourhood Outline Plan was approved in 1976, while the District Outline Plan for West Jasper Place, originally approved in 1969, was revised in 1972.

Several objections were listed by at least eight out of the 26 agencies included on the circulation list of the subdivision proposal. However, it is unclear whether the subdivision application was at variance with the Approved Neighbourhood Outline Plan. Some of the objectors cited other policies as grounds for non support of the proposal.

4.2.2 Delays

A delay was experienced with the second application; however, the total time elapsed from original application date of 18 October, 1978, through to Municipal Planning Commission's conditional approval on 5 April, 1979 was only five and a half months. This total time period is in line with expectations for a replotting scheme procedure.

4.2.3 Causes of Delays

The second application, which involved a shift in strategy from Subdivision by Replotting Scheme to Subdivision by Plan, took longer than the expected two-month time frame (Table 1). The developer is on record as apologizing for the numerous revisions to the initial application, hence the apparent cause of the delay rests with deficiencies in the developer's applications. However, the second application involving the Replotting Scheme was delayed by one month (Table 1); the cause of this specific delay could not be determined from the material available. Explanations are problematic here because it was not possible to obtain a developer interview, and the Planning Department interview did not turn out to be conclusive.

4.2.4 Regulations and the Application of Regulations

The need for several sets of revisions to the application indicates that there was either a lack of knowledge of, or willingness to comply with design standards. Because objectors cited regulations which seem to be commonplace standards, there is no clear evidence that the developer's application was deficient because of a lack of promulgated policy guidelines and regulations.

4.3 Summary and Conclusion

4.3.1 Summary of Findings

The La Perle Subdivision approval process took five and a half months to complete from October 1978 through April 1979.

4.3.1.1 The Subdivision application by Replotting Scheme submitted in October 1978 was withdrawn within two months. A new application for Subdivision by Plan was submitted in January 1979, revised in March and approved in April.

4.3.1.2 From file records, circulation return objections were based upon policy guidelines from various sources. However, it is unclear whether or not the subdivision application was at variance with the approved Neighbourhood Outline Plan.

4.3.1.3 Delays were minimal, in fact non-existant, in light of the original strategy of applying for a replotting scheme. The developer is on record as apologizing for the numerous revisions to the subdivision proposal.

TABLE 4.1

PLAN PROCESSING DELAYS (La Perle)

Event	Actual Processing Time	Maximum Estimate	Delay
Subdivision by Replotting Scheme	3 months (withdrawn)	12 months (1)	N/A
Subdivision by Plan	3 months	2 months (2)	1 month (3)

(1) Estimate by Administration

(2) Statutory time limit

(3) Developer Revised Application

4.3.2 Conclusion

There is no clear evidence that the developer's application was deficient because of a lack of promulgated policy guidelines and regulations. The explanation of the delay, therefore, remains inconclusive.

Costs of Delay

This project was not delayed and therefore the money costs of delay are zero.

4.4 Chronology of Significant Events

Mar.	24	1969	City Council Approves West Jasper Place District Outline Plan
May	18	1972	City Council Approves Revised District Outline Plan
July	15	1976	Municipal Planning Commission Approves Neighbourhood Outline Plan (Primrose)
Oct.	18	1978	Developer's Consultant Submits Application for Subdivision by Replotting Scheme
Oct.	31	1978	Land Use Planning Branch Circulates Replot Application - requests replies before November 21 - scheduled for M.P.C. on November 30
Nov.	6	1978	Land Development Coordination Department Objects - streets too wide by one foot - need for screened fencing for lots backing onto 100 Ave. and 178 St. - 184 Street should be maintained at all times - condition of subdivision approval should include a requirement for the developer to execute a Development and Servicing Agreement.
Nov.	7	1978	Water and Sanitation Department Objects - requires some street widening for water service mains - requires a utility lot
Nov.	8	1978	Alberta Culture Objects - recommends Historical Resources Impact Assessment
Nov.	10	1978	Fire Department Objects - emergency routes required

Nov. 14 1978 Edmonton Social Services
Objects

- recommends smaller high density (R-3) sites
- park and tot-lot sites

Nov. 17 1978 Real Estate and Housing
Objects

- public housing deficiency

Dec. 14 1978 Transportation Planning
Objects

- requires remaining two lanes of 87 Ave. between 170 and 178 Streets be constructed
- requires applicant to construct their westerly two lanes of 178 Street
- requires completion of 95 Avenue between 178 and 170 Streets
- requires a temporary connector roadway to Highway 16
- 12 other concerns noted

Dec. 19 1978 Developer
Withdraws Replotting Scheme Proposal

Jan. 15 1979 Developer's Consultant
Submits Subdivision by Plan Application

- new subdivision process
- should take two months maximum

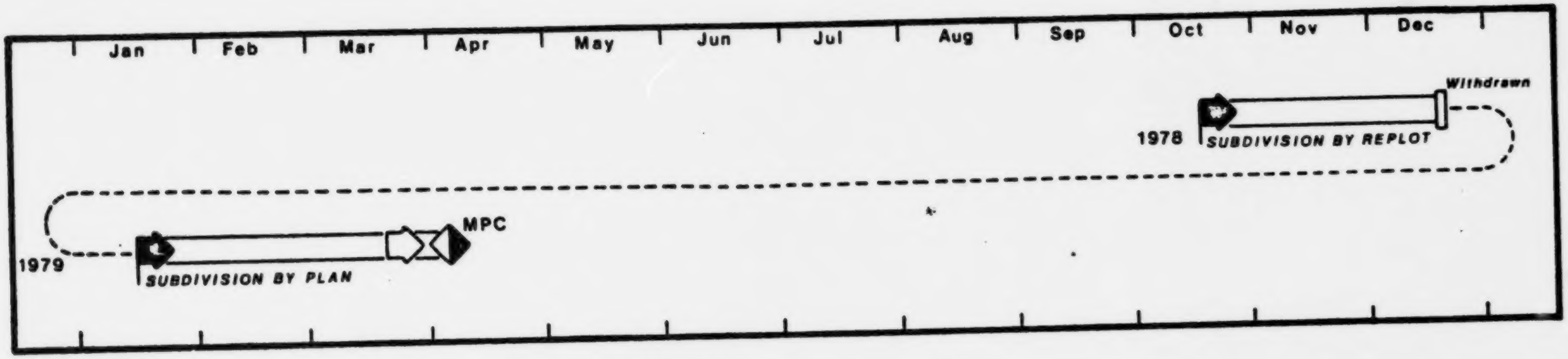
Mar. 20 1979 Developer's Consultant
Revises Application

Apr. 5 1979 Municipal Planning Commission
Conditional Approval of Subdivision by Plan

- six conditions attached

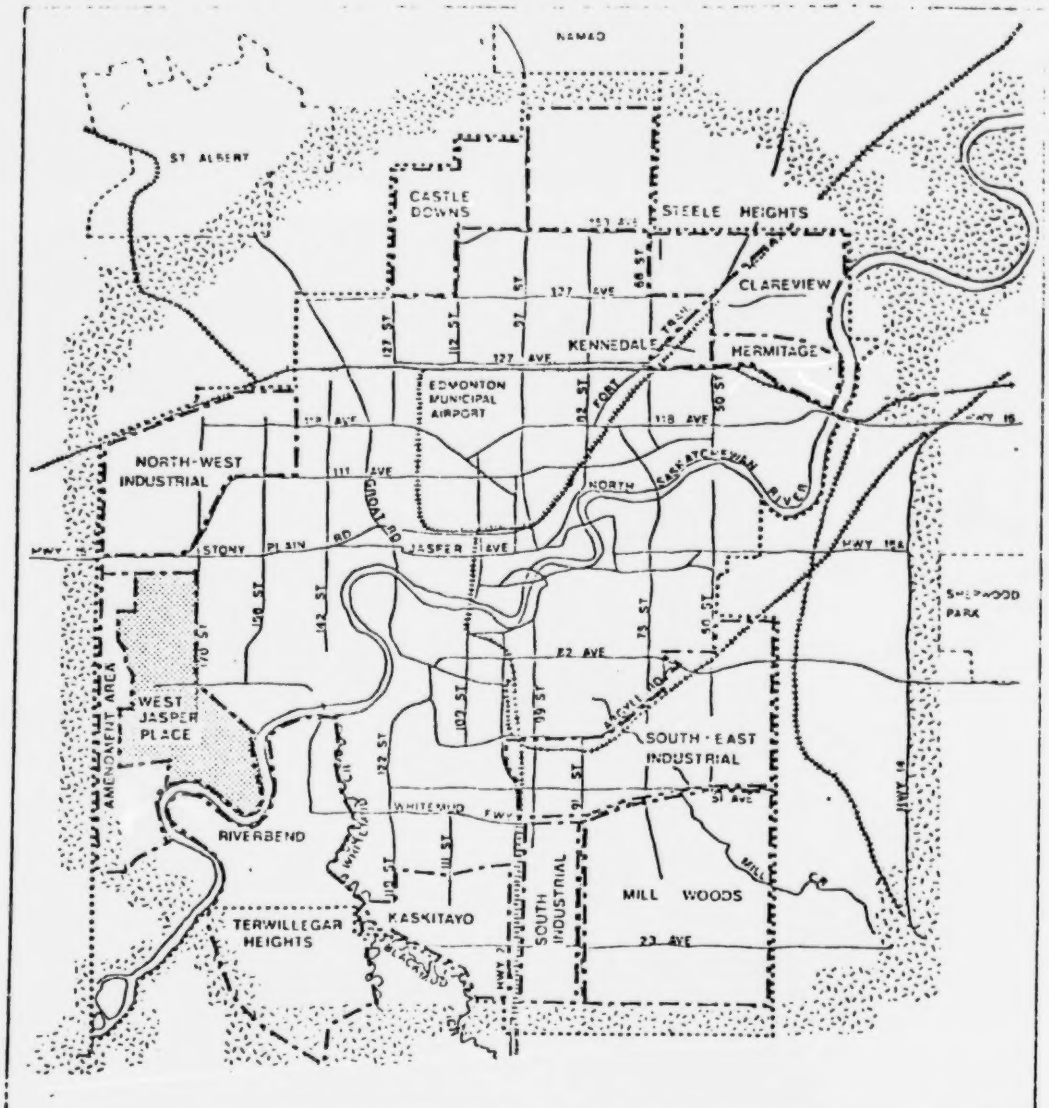
Apr. 10 1979 Municipal Planning Commission Secretary
Acknowledges Receipt of Fees

APPENDIX 4-A



4. LA PERLE

APPENDIX 4-B


NAMAO
ST ALBERT
CASTLE DOWNS
STEELE HEIGHTS
153 AVE
CLAREVIEW
137 AVE
127 ST
112 ST
97 ST
66 ST
KENNEDALE
HERMITAGE
127 AVE
EDMONTON MUNICIPAL AIRPORT
102 ST
FORT TRAIL
118 AVE
50 ST
HWY 15
NORTH-WEST INDUSTRIAL
111 AVE
GROAT RD
NORTH SASKATCHEWAN RIVER
HWY 16
STONY PLAIN RD
JASPER AVE
HWY 16A
SHERWOOD PARK
170 ST
156 ST
142 ST
75 ST
50 ST
82 AVE
AMENDMENT AREA
WEST JASPER PLACE
102 ST
109 ST
122 ST
SOUTH-EAST INDUSTRIAL
HWY 14
WHITEMUD FWY
51 AVE
91 ST
RIVERBEND
WHITEMUD CR
111 ST
112 ST
SOUTH INDUSTRIAL
MILL WOODS
MILL CR
KASKITAYO
TERWILLEGAR HEIGHTS
23 AVE
BLACKMUD CR
HWY 2

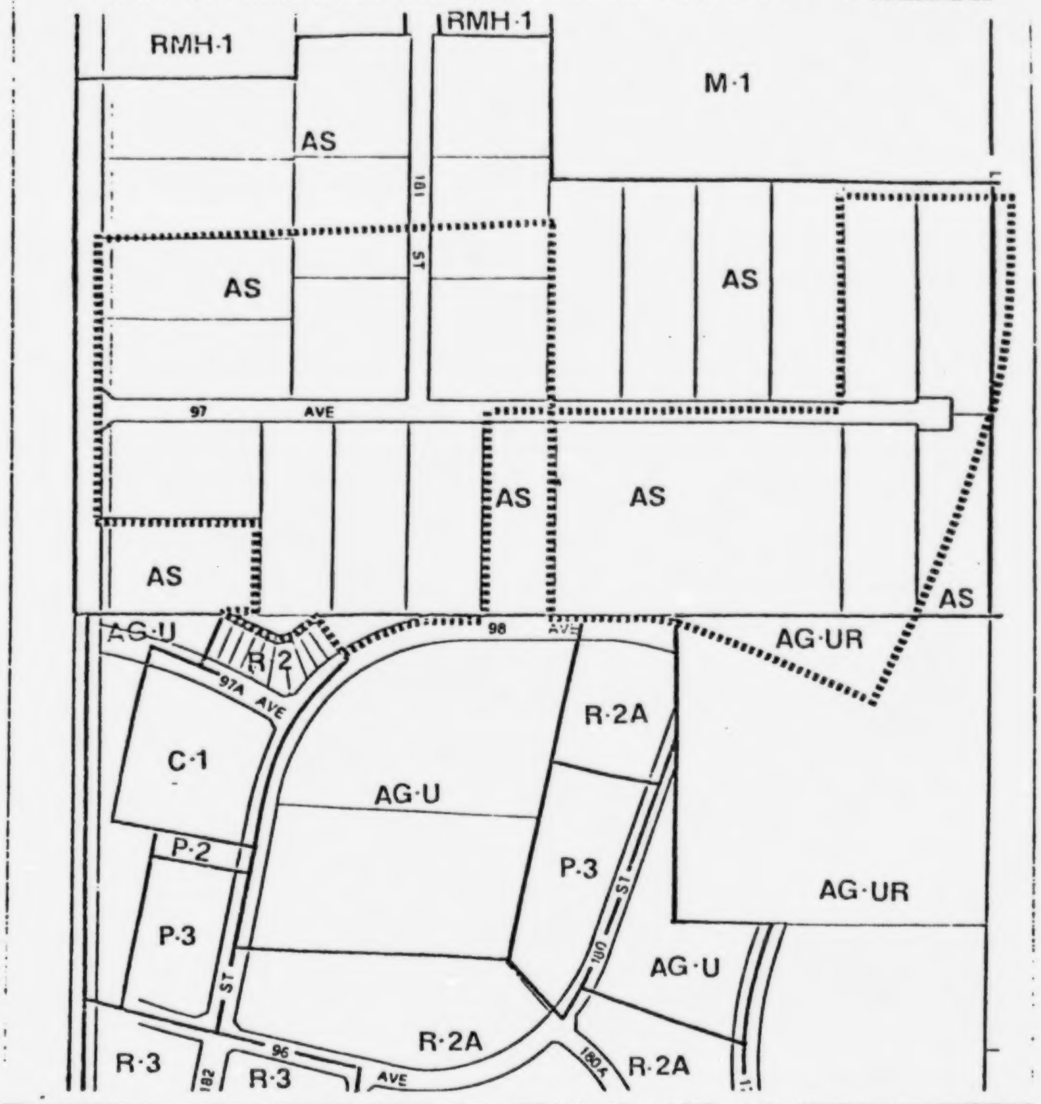
VICINITY

N

West Jasper Place

LAND USE PLANNING BRANCH
PLANNING

APPENDIX 4-C


RMH·1
RMH·1
M·1
AS
101 ST
AS
AS
97 AVE
AS
AS
AS
AS
AG·U
R·2
98 AVE
AG·UR
97A AVE
R·2A
C·1
AG·U
P·2
P·3
P·3
AG·UR
ST
180 ST
AG·U
R·2A
96 AVE
R·3
182
R·3
180A
R·2A

EXISTING SUBDIVISION

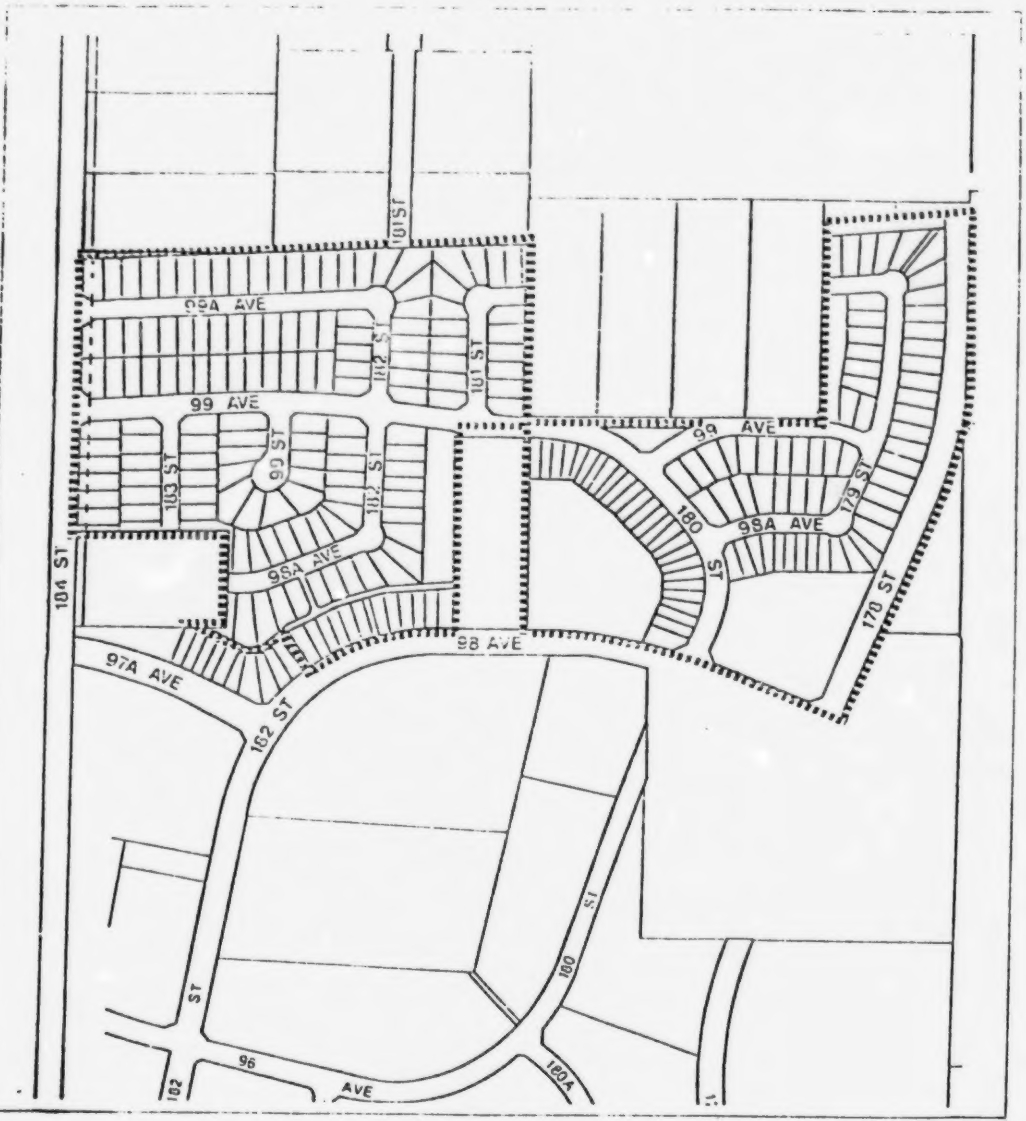
N

limit of existing subdivision

LAND USE PLANNING BRANCH
[illegible]

FILE NO. 78-X-[illegible] S
DATE April 5/79

APPENDIX 4-D


181 ST
99A AVE
182 ST
181 ST
99 AVE
183 ST
99 ST
182 ST
98A AVE
99 AVE
179 ST
180 ST
98A AVE
170 ST
184 ST
98 AVE
97A AVE
182 ST
180 ST
ST
182
96
AVE
180A

PROPOSED SUBDIVISION

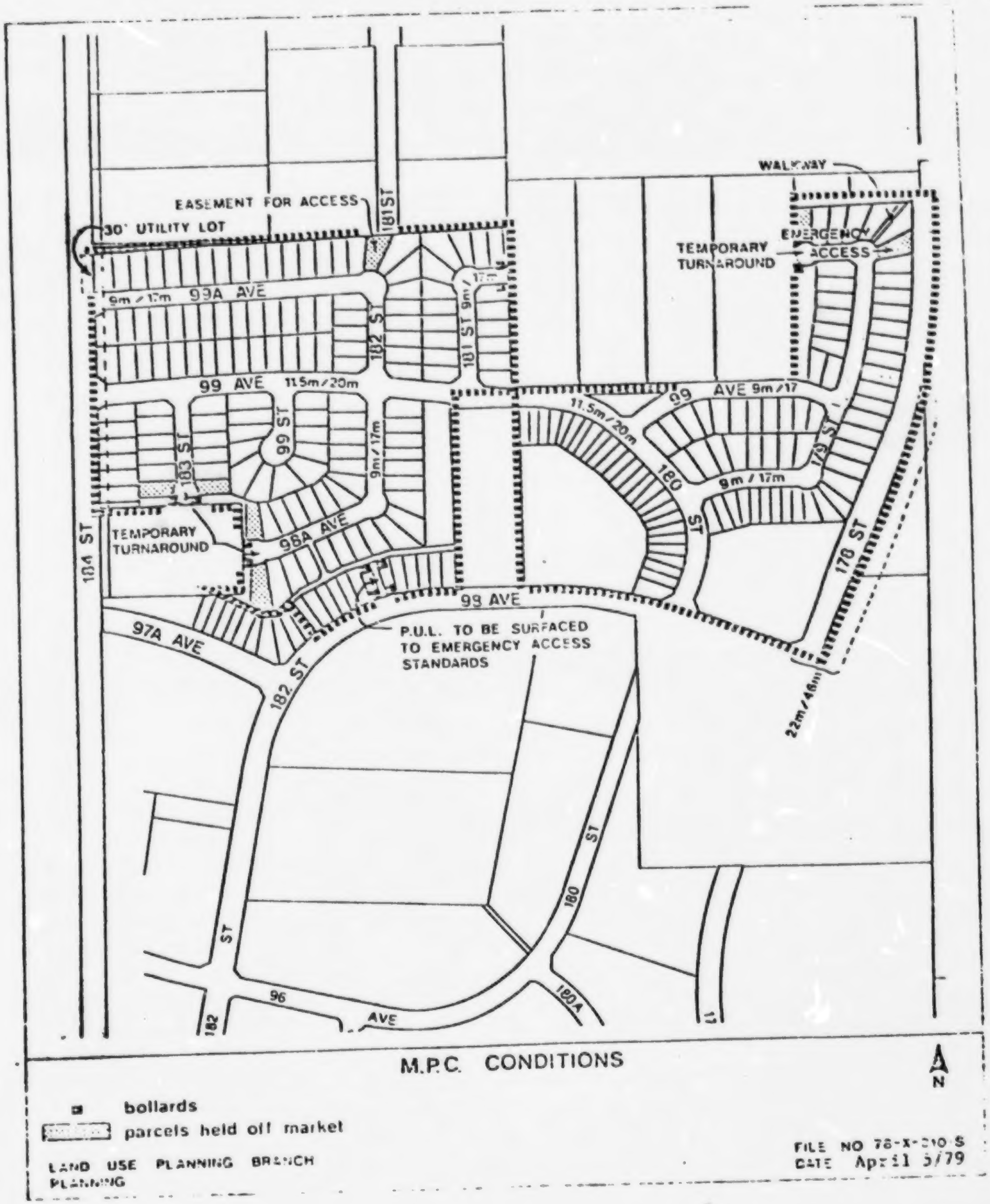
N

•••••••• limit of proposed subdivision

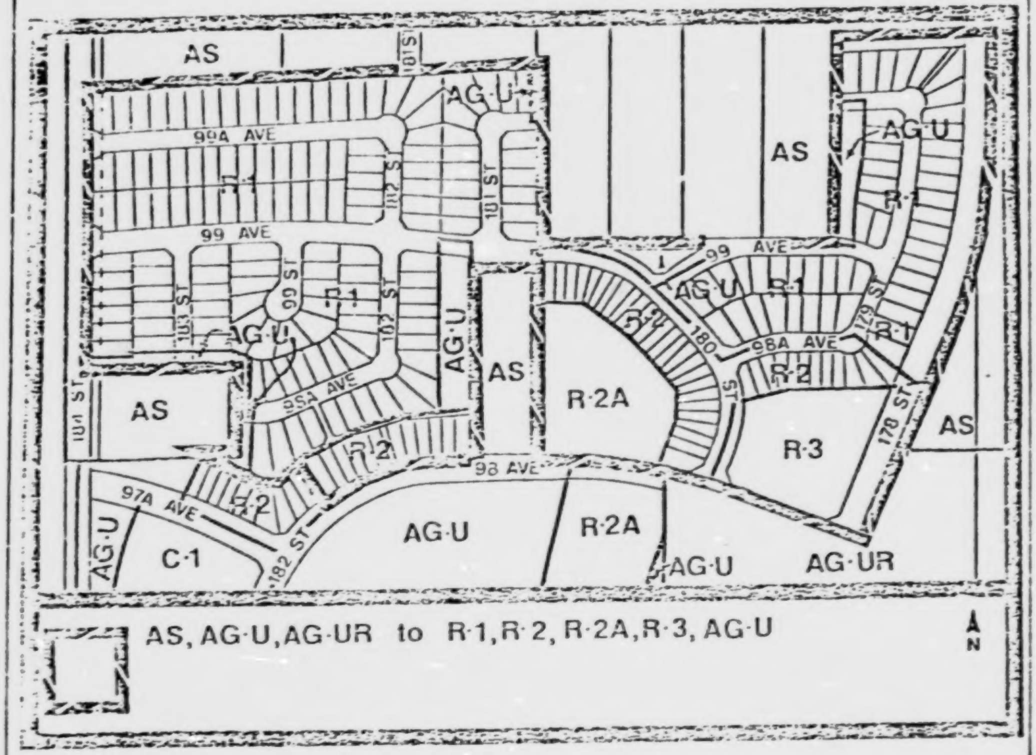
LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-010-S
DATE April 5/79

APPENDIX 4-E


EASEMENT FOR ACCESS
181 ST
30' UTILITY LOT
9m / 17m 99A AVE
182 ST
181 ST 9m / 17m
99 AVE 11.5m / 20m
WALKWAY
TEMPORARY TURNAROUND
EMERGENCY ACCESS
99 AVE 9m / 17
11.5m / 20m
179 ST
9m / 17m
180 ST
183 ST
99 ST
9m / 17m
98A AVE
184 ST
TEMPORARY TURNAROUND
98 AVE
P.U.L. TO BE SURFACED TO EMERGENCY ACCESS STANDARDS
178 ST
22m / 40m
97A AVE
182 ST
180 ST
182 ST
96 AVE
180A
17
M.P.C. CONDITIONS
N
bollards
parcels held off market
LAND USE PLANNING BRANCH
PLANNING
FILE NO 78-X-210-S
DATE April 5/79

APPENDIX 4-F


AS
101 ST
AG-U
99A AVE
R-1
102 ST
101 ST
AS
AG-U
R-1
99 AVE
99 ST
103 ST
R-1
102 ST
AG-U
AG-U
AS
99 AVE
AG-U
R-1
180
179 ST
R-1
98A AVE
R-2
104 ST
AS
98A AVE
R-2
R-2A
ST
178 ST
AS
R-3
98 AVE
97A AVE
R-2
AG-U
C-1
182 ST
AG-U
R-2A
AG-U
AG-UR
AS, AG-U, AG-UR to R-1, R-2, R-2A, R-3, AG-U
N

PROPOSED REZONING

N

limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO 78-X-010 S
DATE April 5/79

CASE STUDY 5: WEST JASPER PLACE NORTH AREA EXTENSION

5.1 Introduction

Because of the imposition of a Restricted Development Area around the City of Edmonton by the Provincial Cabinet, a corridor of unplanned land existed to the west of the territory covered by the West Jasper Place District Outline Plan. This case study examines the process undertaken to develop a plan for this land corridor with particular emphasis on the northern segment of the corridor. Some 1,200 gross acres are included in this western margin of the District Outline Plan. Furthermore, the Subdivision by Plan of the western half of the La Perle Neighbourhood is included as this process was related to the Extension Plan Bylaw.

5.2 Findings

The approval of the extension to the West Jasper Place District Outline Plan was occasioned by the relocation of the proposed ring road on the western boundary of the city within the Restricted Development Area established by the Province in 1974. The City attempted to lobby the Province in order to avoid the corridor of "unplanned" land between the R.D.A. and the western boundary of the 1969 District Outline Plan.

5.2.1 Process

On July 15, 1976, the Municipal Planning Commission authorized the preparation of an amendment to the District Outline Plan to incorporate the corridor. The Municipal Planning Commission received reports on the amendment once in 1977, twice in 1978 and three times in early 1979, at which time it was established that the extension should be passed as an Area Structure Plan Bylaw under the provisions of the new Planning Act (1977), rather than as an amendment to the District Outline Plan for West Jasper Place. This procedural difficulty is evidence that the implications of the Planning Act changes were not clearly understood by either the Planning Department administration or the approving body, namely, the Municipal Planning Commission.

Furthermore, prior to third reading and formal final approval of the Bylaw (No. 5708) establishing the Area Structure Plan the Planning Department accepted the Subdivision Plan application for La Perle and the Neighbourhood plan application. Subdivision plan applications for the two remaining neighbourhoods (Belmead and Aldergrove) have not yet been approved (December 31, 1979).

5.2.2 Delays

The processing of the District Outline Plan Amendment which ultimately became an Area Structure Plan, exceeded the expected maximum time period of 18 months by 18 months. However, lost time was recovered in the Neighbourhood and Subdivision Plan stages. Because these latter processes were conducted concurrently rather than consecutively, the overall delay was shortened to 11 months. The time periods and delays are displayed in Table 9.1.

5.2.3 Causes of Delays

The procedural wrangle mentioned in 9.2.1 had a minimal impact upon the cumulative 11 month delay. Apparently only three weeks were lost between Municipal Planning Commission conditional approval of the District Outline Plan Amendment and the rectification of the problem by re-classifying the amendment as an Area Structure Plan Bylaw.

More significant is the role played by the area residents in the public participation program. North Area residents expressed a desire to lower density levels in any additional development in West Jasper Place. Obviously, because the area had been developed to a considerable extent, the role played by area residents in the public participation program was more complex than would be expected had the total district been raw land. That is to say, fewer area residents would presumably present fewer public participation problems. The developers place a more charitable interpretation on these events stating that "they do not consider public input a delay as it was expected and took very little time".

The developer interview did serve to identify one additional source of delay--revision of the terms of reference for Neighbourhood Structure Plans--which took about a month.

5 .2.4 Regulations and the Application of Regulations

While the impact upon the overall delay was minimal, the procedural problem created by changes in the statutory provisions of the Planning Act is glaring evidence of the uncertainty which results from changes in policies, procedures and regulations.

Again, the Planning Department and the Municipal Planning Commission exhibited flexibility in the application of regulations by modifying the approval sequence for Neighbourhood and Subdivision Plans to processing them simultaneously.

TABLE 5.1

PLAN PROCESSING DELAYS (West Jasper Place)

Event	Actual Processing Time	Maximum Estimate	Delay
District Outline Plan Amendment (Area Structure Plan)	36 months	18 months	18 months
Neighbourhood Structure Plan	1 month	6 months	(5 months)
Subdivision by Plan	35 days	60 days(1)	(1 month)
	37 months	26 months	11 months

(1) statutory maximum

5.3 Summary and Conclusion

5.3.1 Summary of Findings

The necessity to develop a plan for the corridor of "unplanned" land was occasioned by the intransigence of the Provincial Government regarding the alignment of the Restrictive Development Area on the west boundary of the city.

5.3.1.1 The plan originally undertaken by the City as an Area Structure Plan Bylaw.

5.3.1.2 There were delays with the extension plan which total 18 months. However, this can be reduced to a cumulative delay of 11 months because the Neighbourhood and Subdivision Plans were processed simultaneously.

5.3.1.3 Area residents participated in the formulation of the extension plan. The north area residents sought and achieved a reduction in the density of new development.

5.3.2 Conclusion

5.2.2.1 Changes in rules, procedures, policies and regulations cause confusion and uncertainty which can lead to delays. Also, as the developer noted "At the same time some of the procedural changes made can streamline the process considerably which is in fact what happened".

5.2.2.2 The Planning Department and Municipal Planning Commission are not adverse to flexibility in processing applications for Neighbourhood and Subdivision Plans.

The Developer Interview adds "Quite true, expecially the Parks and Recreation Department which allowed the consultants to redesign the school park sites in the area".

Costs of Delay

The following data for land sales within this project were available: June 1975 - $22,500 per acre; October 1976 - $42,000 per acre; August 1979 - $75,000 per acre. The project involves 1,200 acres. Delay time was estimated at 11 months. Risk-adjusted cost of funds can be estimated at 12 per cent. Total dollar cost of delaying the receipt of $90,000,000 for 11 months is $9,900,000.

5.4 Chronology of Significant Events

Mar. 24 1969 City Council
Approves West Jasper Place District Outline Plan
(see Appendix B)

May 18 1972 City Council
Approves Amendment to District Outline Plan

- density increased
- total population changed from 69,000 - 76,000
- boundaries unchanged

1974 Provincial Cabinet
Establishes Restricted Development Area

April 1975 City
Opposes Restricted Development Area - Ring Road Location
(see Appendix E)

Sept. 11 1975 Subdivision Planning Branch
Circulates Request for Report information

- documentation of problems with R.D.A.
- quantify impact of development

July 15 1976 Municipal Planning Commission
Approves Preparation of Amendment

- result of Provincial intransigence over R.D.A.
- should take 18 months maximum

Oct. 4 1976 Subdivision Planning Branch
Letter to Developer

- no individual applications for subdivision until Outline Plan is amended

Mar. 4 1977 Subdivision Planning Branch
Letter to Developer

- no piecemeal development
- school catchment difficulties

June 1 1977 Resident Association
Letter to General Manager Planning

- outlines resident concerns
- requests input in approval process

June	2	1977	Municipal Planning Commission Considers preliminary report on Amendment - received as information
Oct.	19	1977	Alberta Transportation Parkway Ring Road - must be in R.D.A.
Jan.	15	1978	Time frame maximum for District Plan expired
June	12	1978	Alberta Culture Requests review of subdivision application - potential historic resources
Aug.	17	1978	Municipal Planning Commission Considers North Area Amendment Recommends that City Council Approve Public Meeting and Apply for Regional Plan Amendment - developer notes this resulted in a delay because rezonings occur only once in every three months.
Sept.		1978	City/Developers Public Meeting - north area residents wanted density reductions, transportation improvements and no more public housing
November		1978	North Area Residents Petition - protested further development of townhouse and multi-family buildings
Nov.	23	1978	North Area Residents Support Developer's Revisions - removal of multi-family site in Belmead
Dec.	21	1978	Municipal Planning Commission Tabled North Area Amendment - commission desired to consider both north and south amendments concurrently
Jan.	23	1979	City Council Report Requested - corridor development impacts (see Appendix E)

Feb.	1	1979	Municipal Planning Commission North Area Amendment to Outline Plan Approved Conditionally (see Appendix H)
Feb.	22	1979	Municipal Planning Commission Amends Conditional Approval - procedural difficulty - Outline Plan Amendment should be an Area Structure Plan Bylaw
Mar.	14	1979	City Council Received Report as information - report on Outline Plan Amendment
Apr.	10	1979	Developer (Belvedere) Letter to General Manager - proposes tighter approval schedule - requested council presentation May 8, 1979
Apr.	11	1979	General Manager Letter to Belvedere - informing process time - estimated presentation to Council May 22, 1979
Apr.	17	1979	General Manager Letter to Belvedere - constraints extend beyond Planning Dept. - must be May 22 Council date
Apr.	20	1979	A/Director Current Planning Internal Memo to General Manager - planning interceded in Parks Dept. delay - expects cooperation with Parks
May	4	1979	Manager, Land Use Planning Internal Memo - parks difficulty with analysis rests with changes in plan application - recommendation to formally submit proposal and forget working things out in advance
May	9	1979	Commissioner of Public Affairs Response to Developer

- no representations to Province by the City until Annexation Hearings concluded

May 23 1979 City Council
Considers Bylaw 5708
First and Second Reading Given

- North Area Structure Plan
- Aldermanic enquiry about zoning
- see Appendicies F, G & H

May 24 1979 General Manager
Response to Aldermanic Enquiry

- clarified zoning which had been approved Jan. 30, 1979 by Edmonton Regional Planning Commission

May 30 1979 Developer/City
Meeting

- discuss procedure for Neighbourhood and Subdivision Plans

June 7 1979 Developer (Belvedere)
Submits Neighbourhood and Subdivision Plans

- submitted prior to final Council approval of Area Structure Plan
- Neighbourhood and Subdivision Plans to be considered concurrently
- 60 day statutory maximum for subdivision application

June 11 1979 City Council
North Area Structure Plan Bylaw
Third Reading and Final Approval Given

June 13 1979 General Manager Planning Department
Letter to Belvedere

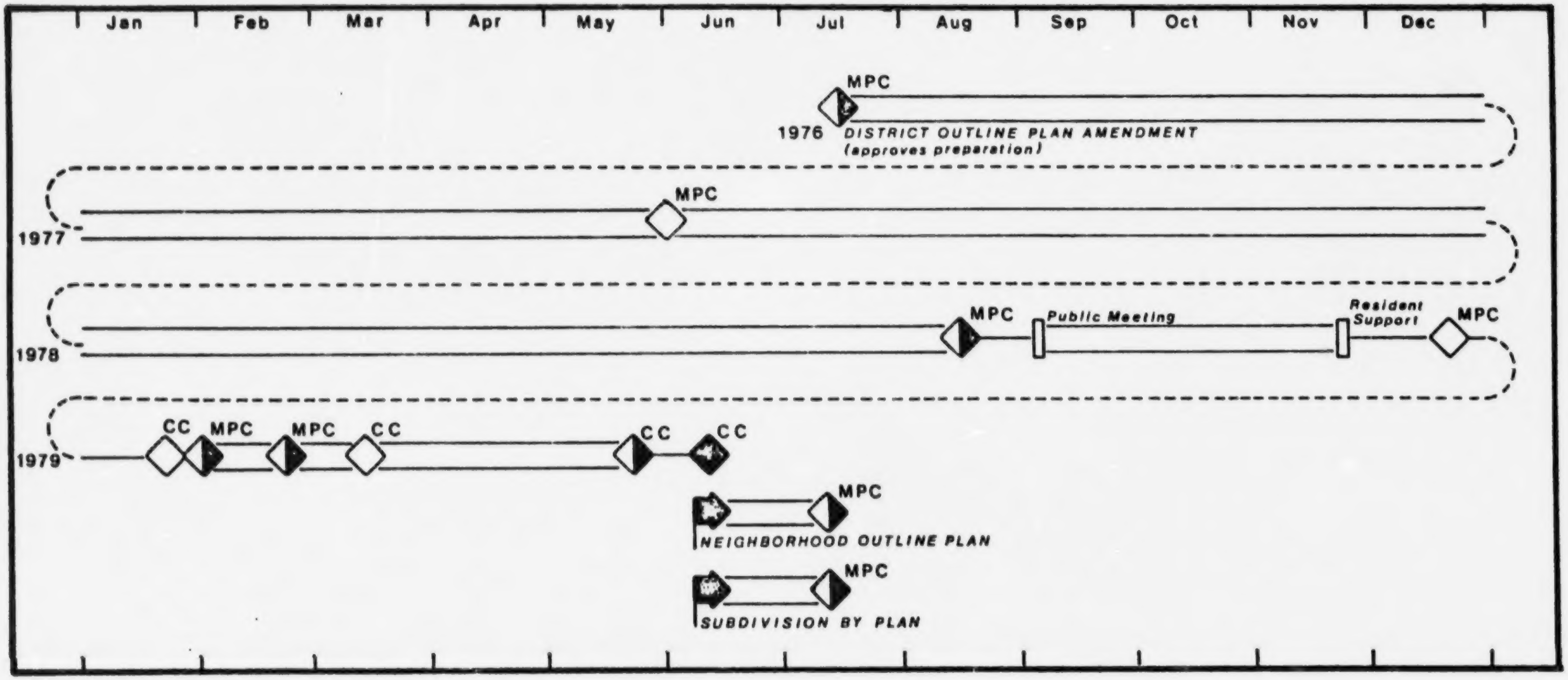
- Outline Approval Schedule for Neighbourhood and Subdivision plans.
- observes that schedule is tight

July 12 1979 Municipal Planning Commission
Neighbourhood Structure Plan and Subdivision Plan
(La Perle) Approved Conditionally

- Neighbourhood Structure Plan Appendix I
- Subdivision Plan, Appendices J through N

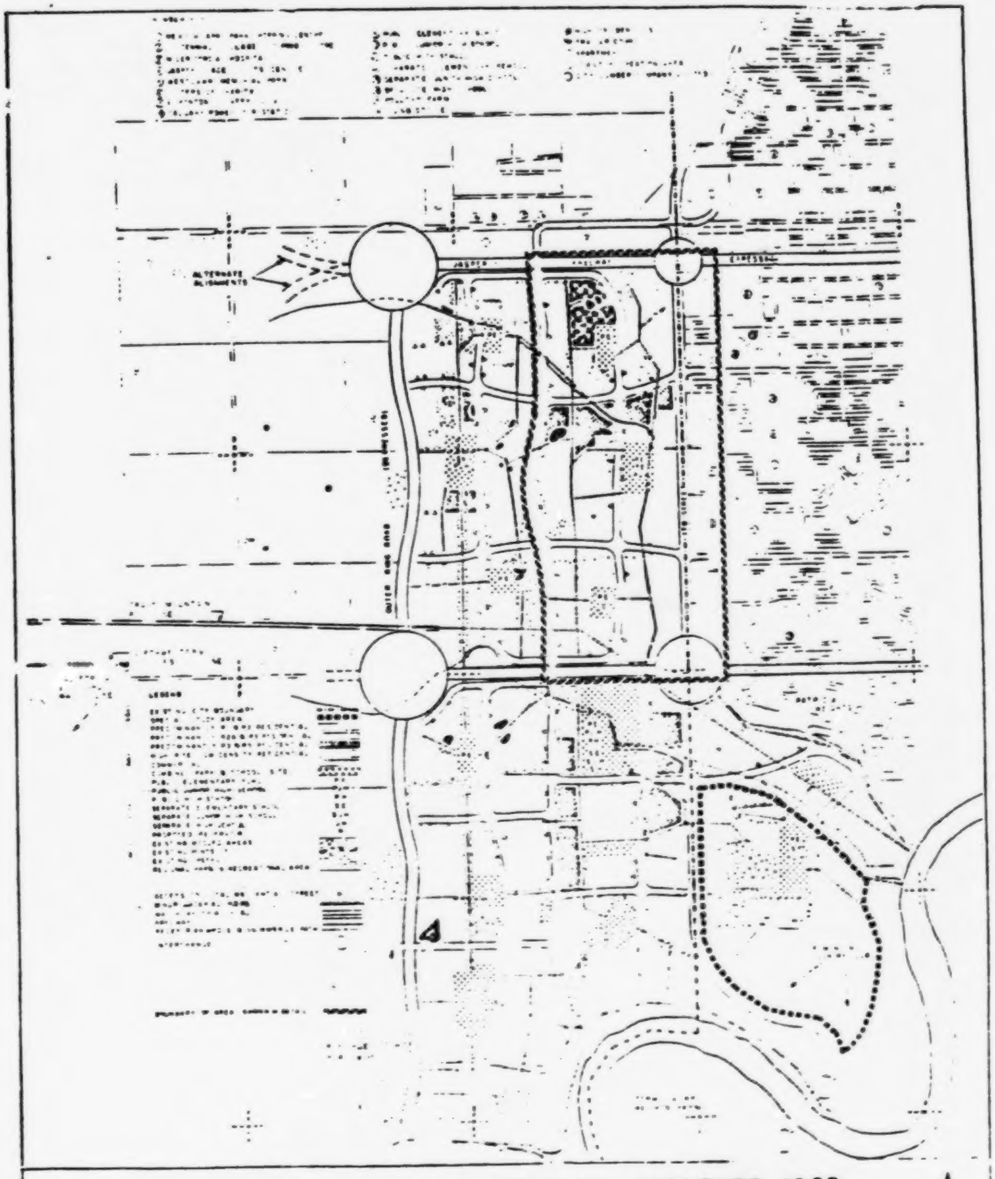
- Neighbourhood Plan approved well within six months expected processing time
- Subdivision Plan approved well within 60 day statutory maximum time period

APPENDIX 5 -A



5. WEST JASPER PLACE NORTH AREA

APPENDIX 5-B


ALTERNATE ALIGNMENTS
JASPER FREEWAY
LEGEND

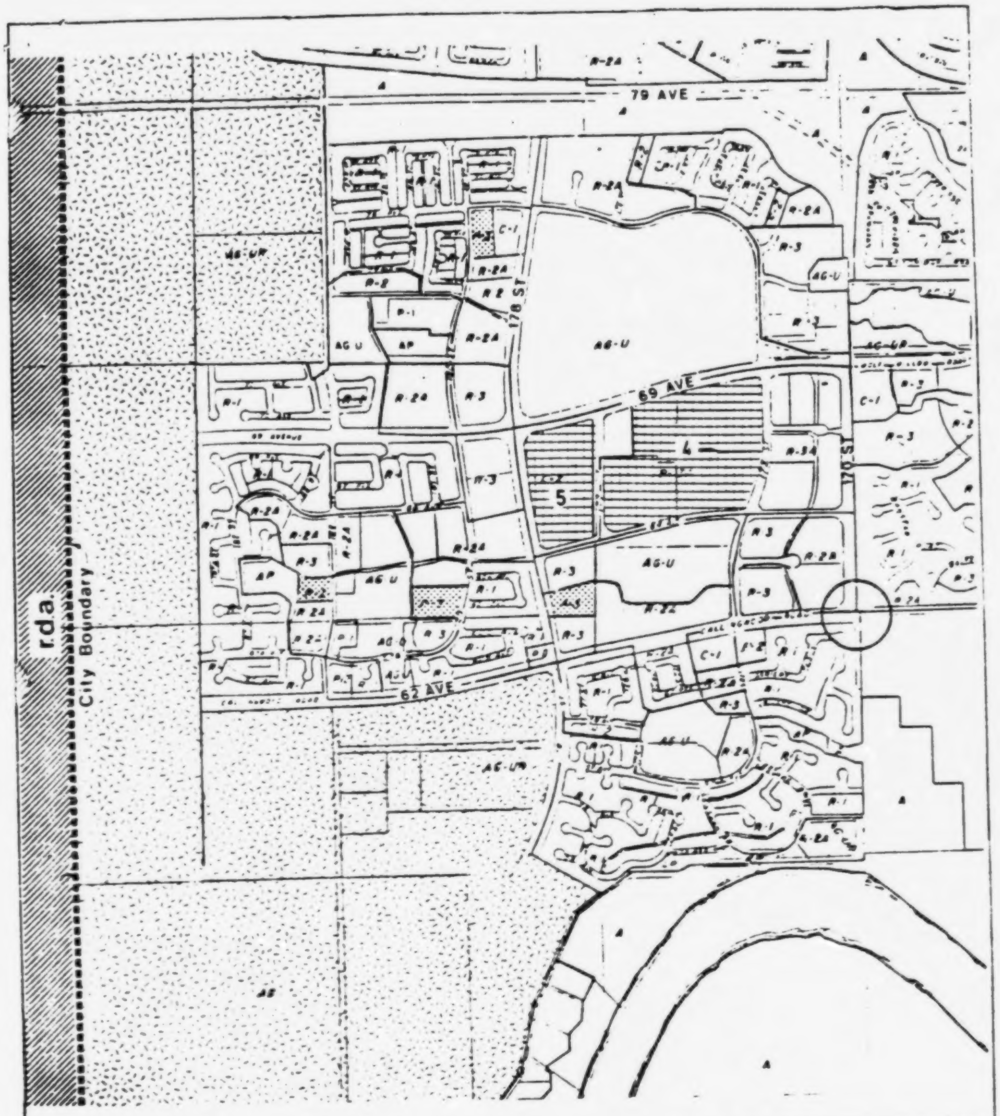
WEST JASPER PLACE OUTLINE PLAN- APPROVED 1969

N

DATE MARCH 13 79

LAND USE PLANNING BRANCH
PLANNING

APPENDIX 5-C


79 AVE
69 AVE
62 AVE
178 ST
r.d.a.
City Boundary
4
5
AG-U
AG-UR
AG
A
R-1
R-2
R-2A
R-3
R-3A
C-1
AP
P-3

EXISTING ZONING · WEST JASPER PLACE SOUTH of 79 AVENUE

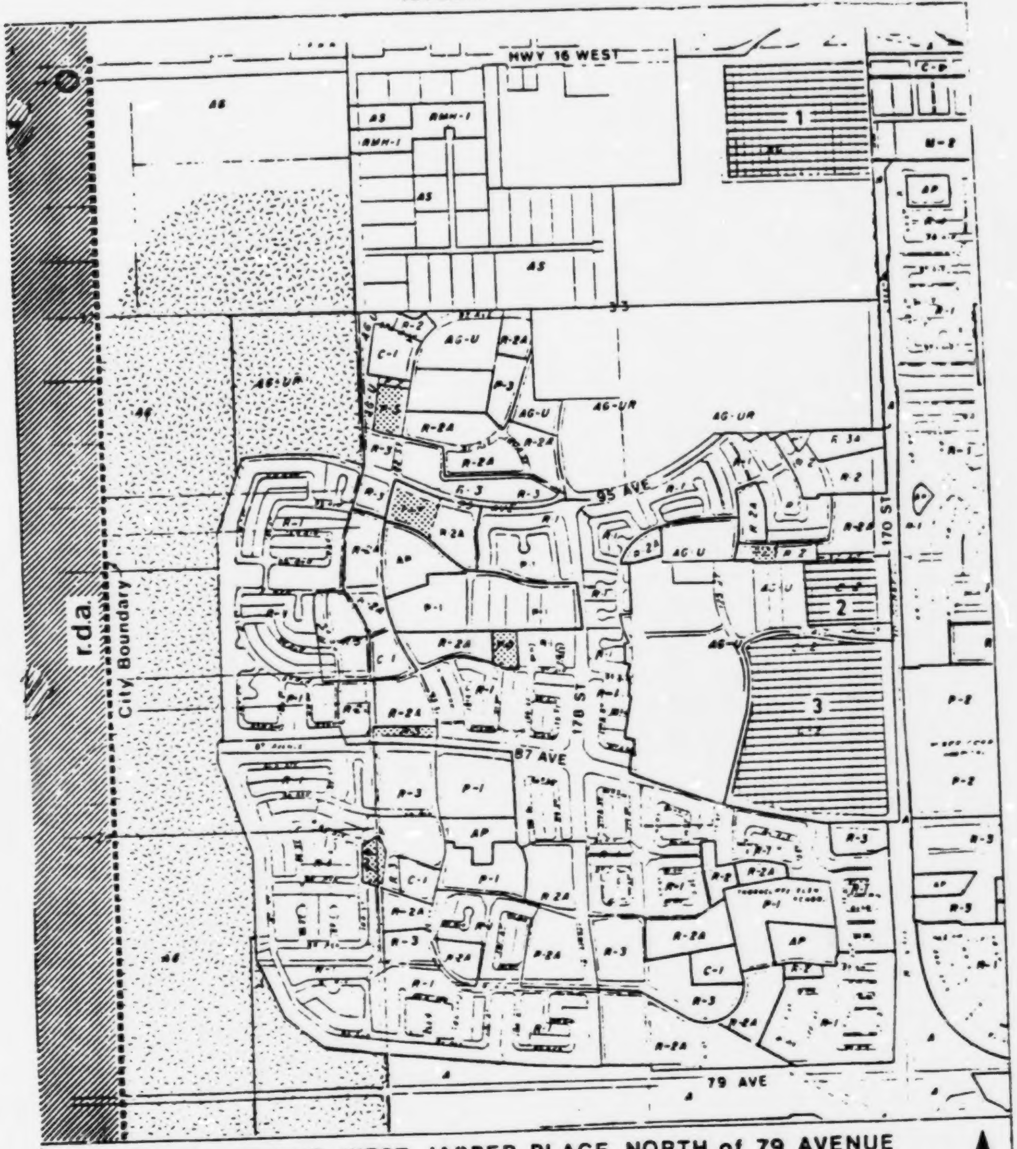
N

- 4 callingwood town centre site (outline plan designation-commercial
- 5 17 acre commercial site west of callingwood town centre (outline plan designation-medium density residential)
- ▨ P-3 sites (not identified in outline plan)
- west jasper place south area structure plan
- ○ south termination point of 170 st. (outline plan indicated 170 st. was to cross the river)

DATE MARCH 13 79

LAND USE PLANNING BRANCH
PLANNING

APPENDIX 5-D


HWY 16 WEST
r.d.a.
City Boundary
95 AVE
87 AVE
178 ST
170 ST
79 AVE
1
2
3
AG
AG-UR
AG-U
AS
RMH-1
C-1
C-2
M-2
AP
P-1
P-2
R-1
R-2
R-2A
R-3

EXISTING ZONING · WEST JASPER PLACE NORTH of 79 AVENUE

N

city lumber site

co-op shopping :ntr (outline plan designation ~ & R-2)

westgate site (outline plan designatio- R-1 & R-2)

P-3 sites (not identified in in outline plan)

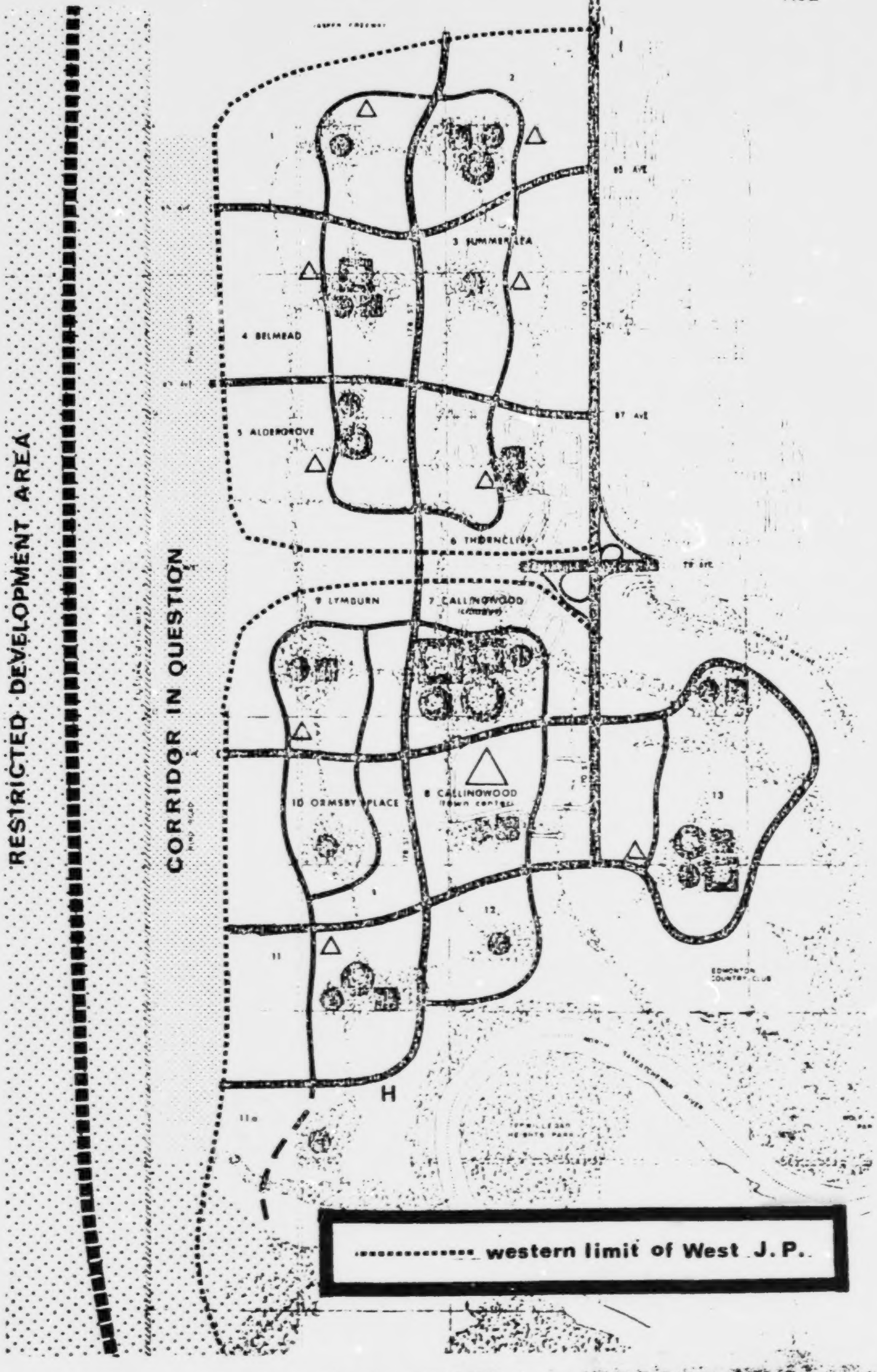
west jasper place north area structure plan

DATE MARCH 13 79

USE PLANNING BRANCH

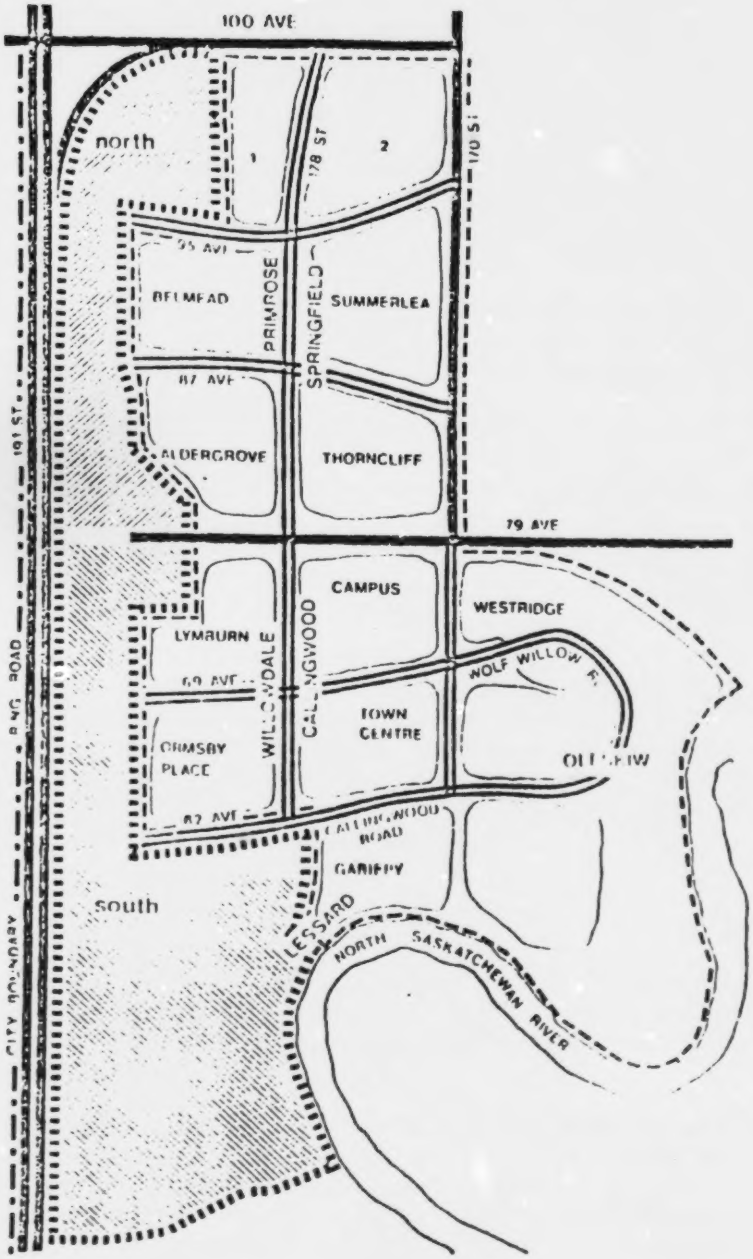
PLANNING

APPENDIX 5-E


RESTRICTED DEVELOPMENT AREA
CORRIDOR IN QUESTION
JASPER FREEWAY
1
2
3 SUMMERLEA
4 BELMEAD
5 ALDERGROVE
6 THORNCLIFF
7 CALLINGWOOD
8 CALLINGWOOD (town centre)
9 LYMBURN
10 ORMSBY PLACE
11
11a
12
13
95 AVE
87 AVE
178 ST
170 ST
EDMONTON COUNTRY CLUB
H
western limit of West J.P.

Proposed R.D.A.

APPENDIX 5 F


100 AVE
north
1
178 ST
2
170 ST
95 AVE
BELMEAD
PRIMROSE
SPRINGFIELD
SUMMERLEA
87 AVE
ALDERGROVE
THORNCLIFF
181 ST
79 AVE
CAMPUS
WESTRIDGE
LYMBURN
COLLINGWOOD
WOLF WILLOW R.
69 AVE
WILLOWDALE
TOWN CENTRE
ORMSBY PLACE
OLESKIW
62 AVE
COLLINGWOOD ROAD
GARIEPY
south
LESSARD
NORTH SASKATCHEWAN RIVER
CITY BOUNDARY
RING ROAD

WEST JASPER PLACE AMENDMENT AREA

N

········ limit of West Jasper Place Amendment Area

- - - - - limit of West Jasper Place

LAND USE PLANNING BRANCH
PLANNING

CASE STUDY 6: SUMMERLEA NEIGHBOURHOOD (WEST JASPER PLACE)

6.1 Introduction

This case study examines the Subdivision by Plan Application by Melcor Developments Limited as well as the Neighbourhood Outline Plan approval process for the Summerlea neighbourhood in West Jasper Place. (See Appendices B & C)

Melcor Developments was the majority owner of a group which varied in size during the evolution of the process, but included Abbey Glen, Triple Five, Belvedere, and the City of Edmonton.

The Subdivision application (Appendices H & I) covers 83 of the 258 gross acres of the Summerlea neighbourhood. The Neighbourhood Outline Plan (Appendix G) was approved six months after application. The Subdivision by Plan required a 30-day extension, which was granted by the developer.

6.2 Findings

Upon initial application for a Neighbourhood Outline Plan in December, 1977, and subsequent re-application of a revised Neighbourhood Outline Plan in April, 1978, the Summerlea Neighbourhood Plan was approved in May, 1978. In July, 1978, an application was made for the Subdivision by Plan of a portion of the neighbourhood. The Subdivision Plan was approved in October.

6.2.1 Process

The normal sequential approval process was followed during the approval of this application. There were several deficiencies in the original Neighbourhood Plan proposal necessitating the re-submission of the proposal.

The Subdivision by Plan application was possible because the two land owners undertook the proposal by reciprocal transfer, eliminating the need to proceed by replotting scheme. The Subdivision Plan processing took longer than the 60-day statutory time period, hence a letter of extension was requested of and received from the developer.

6.2.2 Delays

The Neighbourhood Outline Plan, even with re-submission, was processed in six months, the maximum estimated by the Planning Department for this procedure.

The Subdivision by Plan exceeded the 60-day statutory time limit by 20 days.

6.2.3 Causes of Delays

There is no evidence in the City Planning Department files to indicate the cause of the delay in the Subdivision by Plan application. (However, see Developer Interview Notes in Chronology and in the conclusions of this case study.)

6.2.4 Regulations and the Application of Regulations

Once the deficiencies in the Neighbourhood Outline Plan application were rectified, the approval process was rather straightforward. In other words, when the developer complied with the land development regulations, the application was processed expeditiously.

6.3 Summary and Conclusion

6.3.1 Summary of Findings

The Summerlea application for a Neighbourhood Outline Plan and Subdivision Plan applications were rather straightforward.

6.3.1.1 Delays were minimal. The Neighbourhood Outline Plan was processed within the six months maximum time estimated by the administration. The Subdivision Plan exceeded the statutory limit by 20 days.

6.3.1.2 The Neighbourhood Outline Plan process was pushed to the maximum limit because of deficiencies in the original application.

6.3.2 Conclusion

When the developer complied with the land development regulations, the application was processed expeditiously.

However, the developer interview produced some detailed concluding comments which we quote as follows:

> The problems of joint development of multiple land owners were present in this development; however, the leadership of Melcor got the plan going. Apparently Triple Five

TABLE 6.1

PLAN PROCESSING DELAYS (Summerlea Neighbourhood)

Event	Actual Processing Time	Maximum Estimate	Delay
Neighbourhood Outline Plan	2 months	6 months(1)	N/A
Revised Neighbourhood Outline Plan	1 month	6 months	Nil
Subdivision by Plan	3 months	2 months(2)	1 month(3)

(1) Administration estimate

(2) Statutory time limit

(3) Developer granted extension

Corporation had agreed in principle to the terms of a development agreement with the City, but never signed it. The City thought that this gave them the right to some of the land and therefore Real Estate & Housing entered the picture. The Owners Group in the initial stages didn't know who really did own the disputed land and because of Melcor's decision to exclude them, a neighbourhood plan was submitted to the City without Real Estate & Housing being involved. This problem was solved later in the submission of the Tentative Plan by eliminating the Triple Five lands from the plan.

It should be noted that when Melcor entered the picture, it was apparent to Melcor that the inability of the Owners to arrive at a consensus on the plan in over six months of work was due almost entirely to the pursuit of selfish goals (Multi-family sites) at the expense of other Owners and at the expense of good planning by Real Estate and Housing who did not even have a legitimate interest in the land.

With a tentative plan in circulation, new delays occurred. City Council adopted new standards of subdivision design which caused some plan changes and delay. The zoning application wasn't processed as soon as it should have been, because of the Christmas Season the developers maintain. The road closure bylaw was not done which definitely held things up.

The developer sums it all up in a nutshell--"the plan didn't move through in the time it should have because the various departments in the City were unaware of what the others were doing". The Real Estate & Housing battle, and the road closure issues were evidence of this, as was City Council's decision to change the planning philosophy they had endorsed to date.

The cost to the developer is hard to put a finger on. Because of the delays they were caught in the current market slump and are holding 45 R-1 lots at $37,000 each and 14 R-2 lots at $26,000 each. Construction costs were higher in 1979 than in 1978. Melcor claims a nine-month delay on 70 acres at $51,000/acre at 10% cost them $267,000. The holding cost of (45 x $37,000 x 1 year x 18%) plus (14 x $26,000 x 1 year x 18%) = $360,000 is a good guess, the 18% being the before tax internal rate of return Melcor expects. If this $360,000 increase is paid by the lot purchaser in a year or by Melcor remains to be seen, nonetheless someone will pay it.

Costs of Delay

Land in this project can be valued at June 1977 on the basis of sales data at $51,000 per acre. The project covers 83 acres. The developer, in the interview for the case cited ten per cent as the appropriate rate of return in delay cost calculations. As in the Blue Quill 2C case (Case Study #3) there are alternative interpretations of the extent of delay. On the City Planning Department's interpretation there is a delay of .67 months and therefore money costs of $24,000. On the developer's interpretation there is a nine month-delay in the receipt of $4,233,000 amounting to a money cost of $317,000.

6.4 Chronology of Significant Events

Mar. 24 1969 City Council
Approves West Jasper Place District Outline Plan

May 18 1972 City Council
Approves Revised District Outline Plan

(Developer Interview Note: Prior to 1977, the neighbourhood was composed of many pieces of land with fragmented ownership. By 1976 the land was controlled by developers or at lease speculators who sell the parcels to developers and were remnant pieces from previous subdivions. Throughout 1976, the owners got together to try to establish an Owners' Agreement. The City maintained that they owned some land by virtue of an Agreement with Triple Five, but Triple Five disagreed).

June-July 1977 (Developer Interview Note: Melcor assembled a major interest in the Neighbourhood (therefore) was to act as leader of the Owners' group. Melcor paid $51,000 per acre for about 70 acres. At Melcor's insistence, the City of Edmonton Real Estate & Housing Department was dropped from the discussions and replaced by Triple Five, the registered owner of the southern-most lands.)

Dec. 1977 Developer's Consultant
Submits Neighbourhood Outline Plan Application

(Developer Interview Note: By December there was agreement on the Plan and it was submitted. Real Estate & Housing opposed the Plan because they thought that they owned land in the Subdivision and should have been represented. They also objected to the location of the multi-family sites for planning reasons, even though these sites were located strategically, having regard for soil conditions and proper planning considerations.)

Jan. 16 1978 Developer's Consultant
Acknowledges Need for Revisions (numerous faults with initial proposal)

(Developer Interview Note: The majority of the faults identified in the submission were a result of the objections of Real Estate & Housing. In fact, the only substantial complaint with the Plan was a commercial site proposed in an area which would not have proper access. This commercial site was withdrawn.

City Council at this time decided that subdivision designs should change in philosophy. Summerlea was caught along with others such as Riverbend and Southwoods. The City Real Estate & Housing people were still in disagreement with Triple Five in regards to ownership)

Apr. 24 1978 Developer's Consultant
Submits Revised Neighbourhood Outline Plan
(see Appendix E)

- should take six months maximum to process.

(Developer Interview Note: The original submission was December, 1977; the six months should start from then)

May 18 1978 Municipal Planning Commission
Conditional Approval of Neighbourhood Outline Plan
(see Appendix G)

July 31 1978 Developer's Consultant
Submits Subdivision by Plan Application

- Melcor and Abbey Glen (Genstar) intend to effect Subdivision by reciprocal transfer eliminating need for a Replot
- should take two months maximum (statutory time limit)

(Developer Interview Note: Melcor had by this time acquired Belvedere's interest in the neighbourhood. Melcor and Genstar went on their own with a portion of the Plan leaving Real Estate and Housing to fight with Triple Five. Nu-West backed out of the purchase of the commercial site with the original owner and were excluded from the tentative Plan. Belvedere serviced their land north of this subdivision and front-ended storm and sanitary mains through Summerlea. Carma sold their land to a builder.)

Sept. 22 1978 Developer's Consultant
Grants Extension to Approval Process
(30 days--assumed to be at the request of the Planning Department)

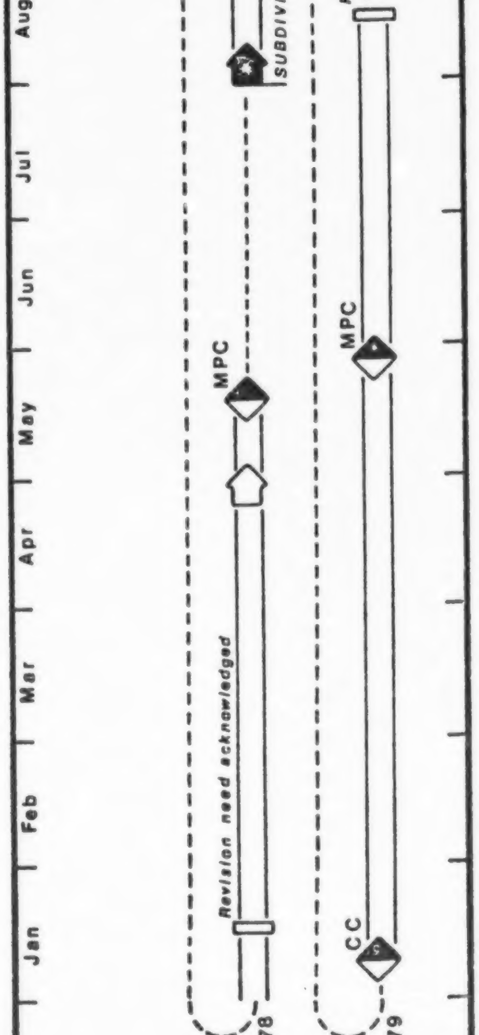
Oct. 19 1978 Municipal Planning Commission
Conditional Approval of Subdivision by Plan
(see Appendix J) and Supported the Application of Detailed Zoning

Nov. 17 1978	Developer's Consultant Application for Zoning Bylaw Amendment and Road Closure
Dec. 1978	City/Developers Development and Servicing Agreements Effected
Jan. 9 1979	City Council Zoning Bylaw (5604) Amendment First and Second Reading Given (see Appendix K)
	Developer Interview Note: Council saw the zoning application for the first time; an internal City foul-up or a lack of work around Christmas caused the delay)
Feb. 5 1979	(Developer Interview Note: Developers sent linen plans to the City for signatures. It took three months for the signatures due to a road closure foul-up and an internal City investigation into a road re-alignment on the Plan (it was not re-aligned). The re-examination of the alignment of 175 Street was the result of the continuing debate between Real Estate & Housing and Triple Five in the lands to the south of the Plan. Developer also indicated that servicing began at this time)
Mar. 1979	(Developer Interview Note: Developer discovered that the road closure of November 17, 1979 had not been acted upon at all)
May 25 1979	Municipal Planning Commission Secretary Signs Linen Plans
	(Developer Interview Note: Linen Plans were finally signed, a three-month wait. Development and Servicing Agreements had been signed five months previously)
July 9 1979	Developer's Consultant Requests Withdrawal of Caveat (necessary for Subdivision registration)
July 11 1979	City Withdraws Deferred Reserve Caveat
	(Developer Interview Note: Developer claims that Caveat removal took one month, not two days)
July 20 1979	(Developer Interview Note: The Road Closure applied for on November 17, 1978 was completed)
Aug. 14 1979	Developer's Consultant Submits Final Linen Plans

Aug. 23 1979 (Developer Interview Note: Road Closure transfers were made, caveat discharged so Linens could be submitted)

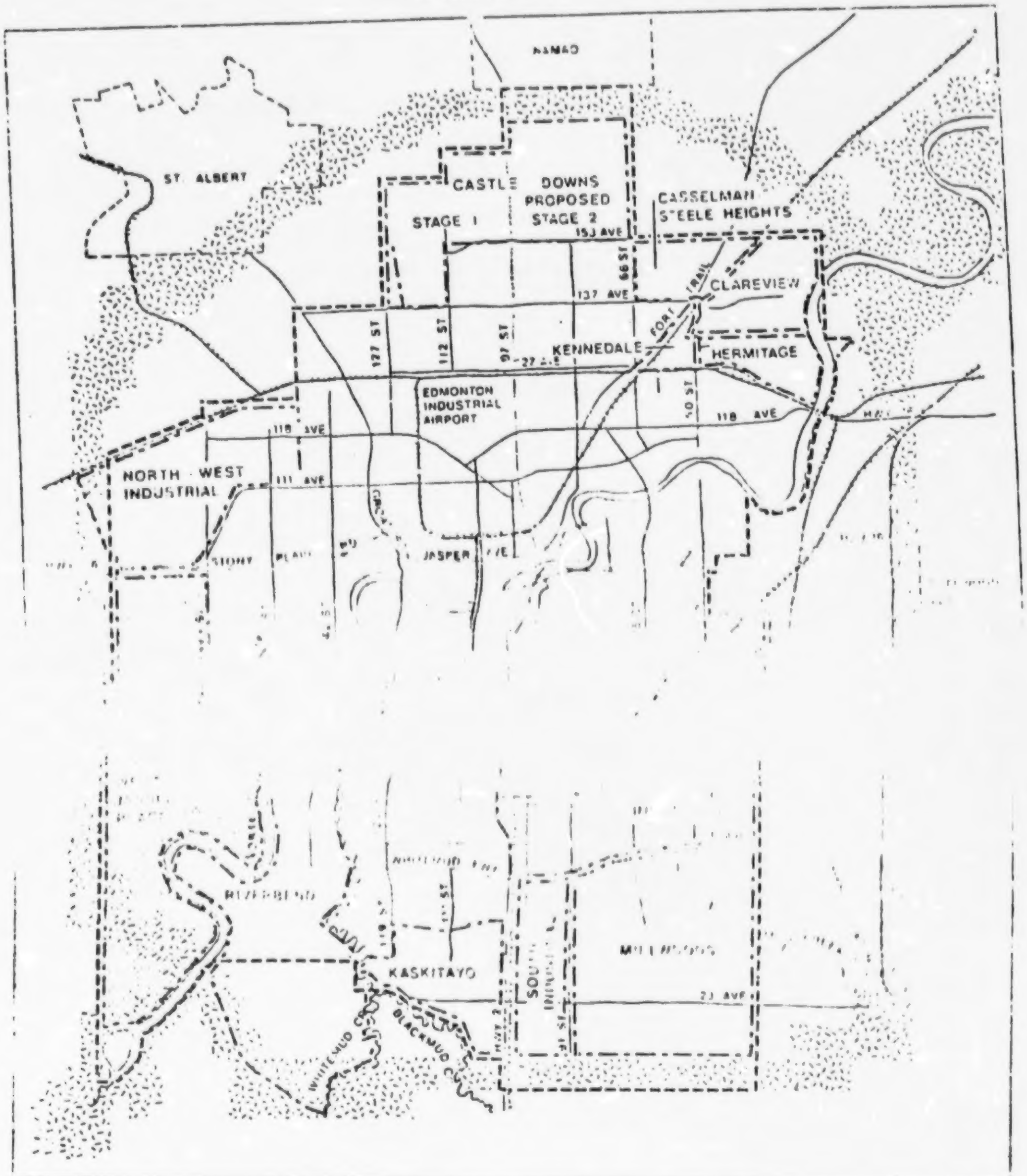
Aug. 30 1979 (Developer Interview Note: The Plan was registered. The market took a downturn and the developers were not able to sell all of the lots. Forty-one R-1 and 14 R-2 lots remain unsold from Melcor's inventory)

APPENDIX 6-A



6. SUMMERLEA

APPENDIX 6-B


NAMAO
ST. ALBERT
CASTLE DOWNS
PROPOSED
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STAGE 2
CASSELMAN
STEELE HEIGHTS
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137 AVE
CLAREVIEW
FORT TRAIL
127 ST
112 ST
97 ST
KENNEDALE
127 AVE
HERMITAGE
EDMONTON
INDUSTRIAL
AIRPORT
50 ST
118 AVE
NORTH WEST
INDUSTRIAL
111 AVE
STONY PLAIN RD
JASPER AVE
RIVERBEND
KASKITAYO
WHITEMUD CK
BLACKMUD CK
SOUTH INDUSTRIAL
MILLWOODS
23 AVE
91 ST
HWY 2

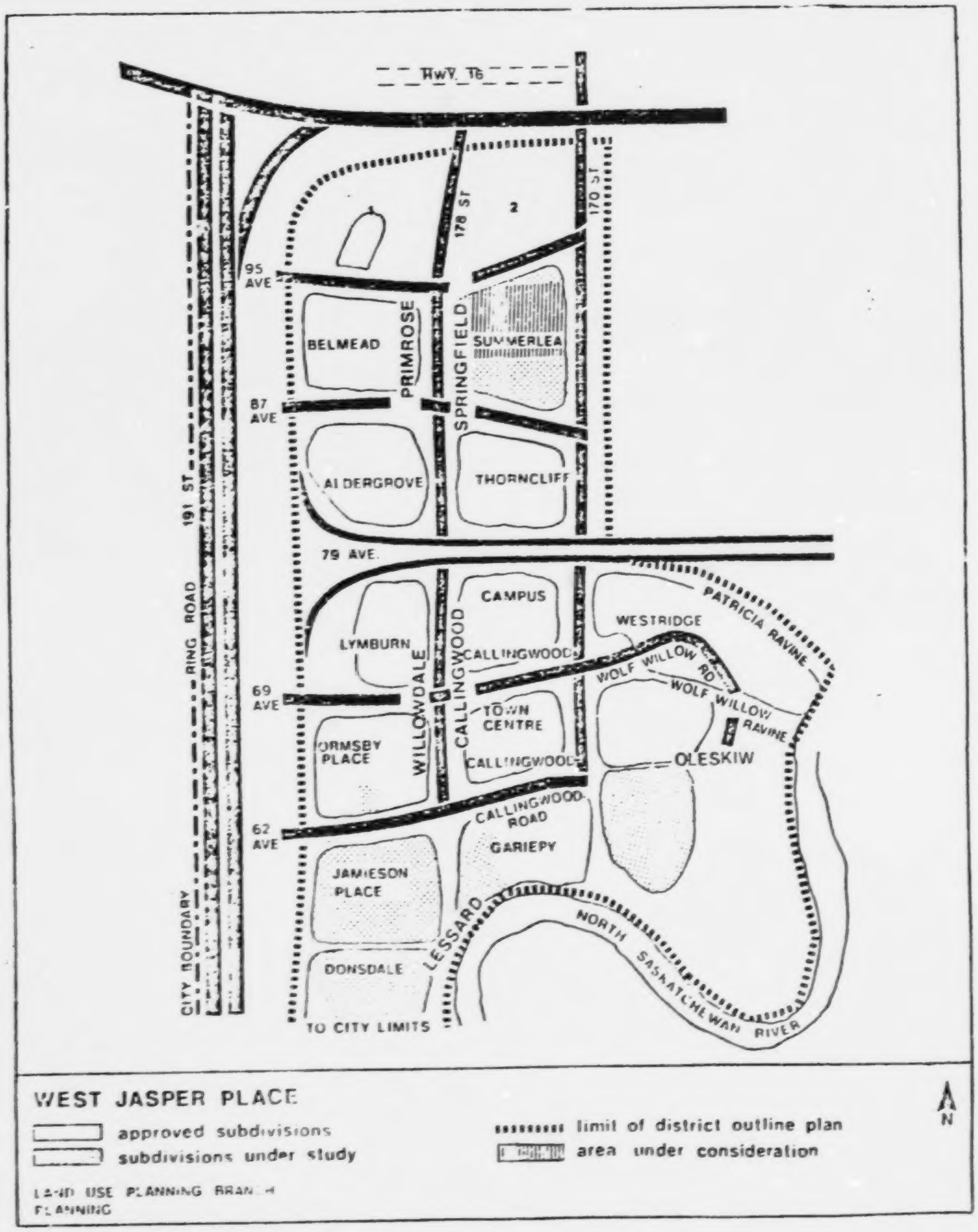
VICINITY

▨ limit of West Jasper Place

N

DEVELOPMENT BRANCH
PLANNING DEPARTMENT

APPENDIX 6-C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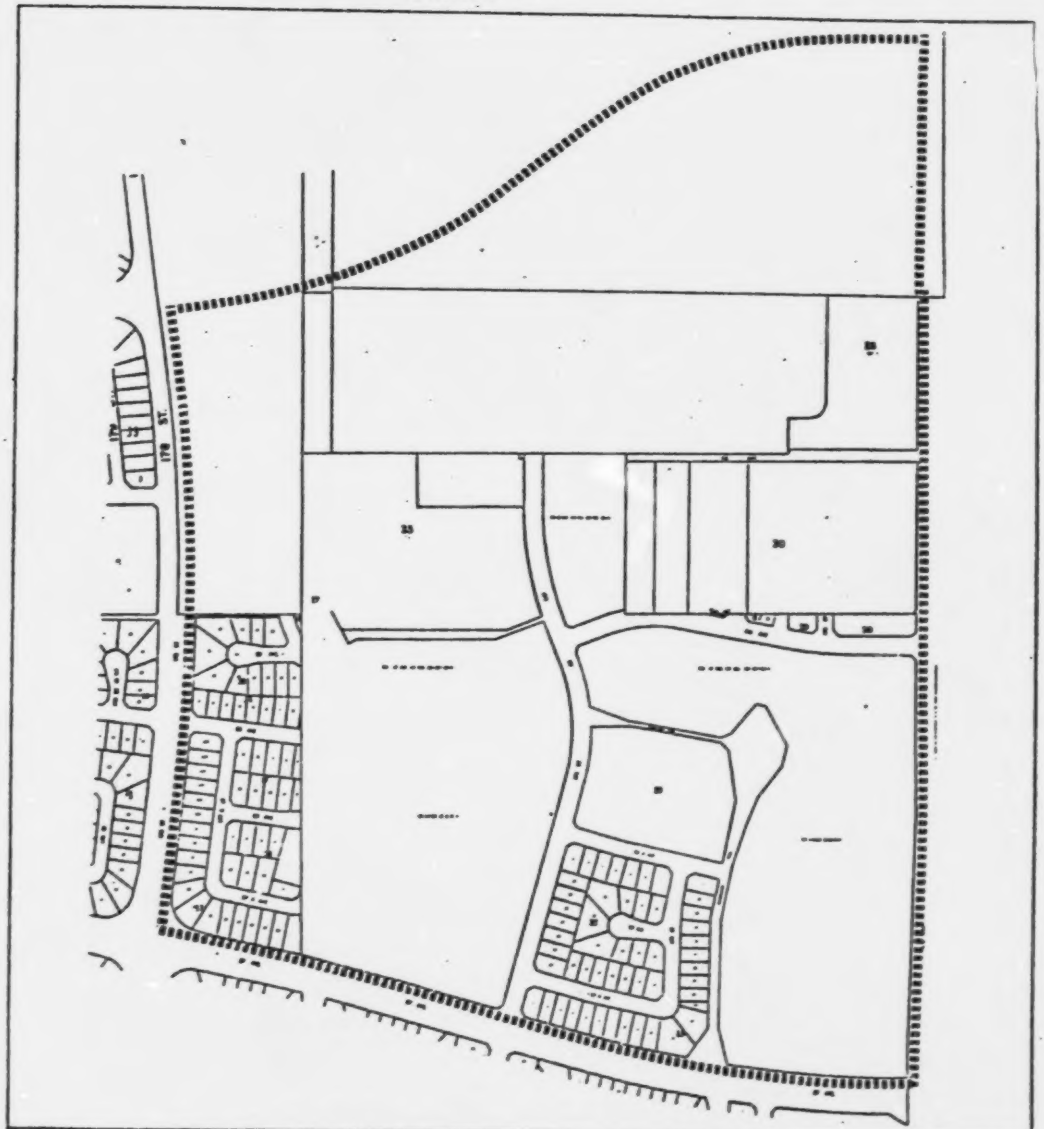
1
2
178 ST
170 ST
95 AVE
BELMEAD
PRIMROSE
SPRINGFIELD
SUMMERLEA
87 AVE
ALDERGROVE
THORNCLIFF
79 AVE.
191 ST.
RING ROAD
CITY BOUNDARY
CAMPUS
WESTRIDGE
PATRICIA RAVINE
LYMBURN
CALLINGWOOD
WOLF WILLOW RD
WOLF WILLOW RAVINE
69 AVE
WILLOWDALE
CALLINGWOOD
TOWN CENTRE
ORMSBY PLACE
CALLINGWOOD
OLESKIW
CALLINGWOOD ROAD
62 AVE
GARIEPY
JAMIESON PLACE
LESSARD
NORTH SASKATCHEWAN RIVER
DONSDALE
TO CITY LIMITS
WEST JASPER PLACE
approved subdivisions
subdivisions under study
limit of district outline plan
area under consideration
N
LAND USE PLANNING BRANCH
PLANNING

APPENDIX 6-D



EXISTING NEIGHBOURHOOD

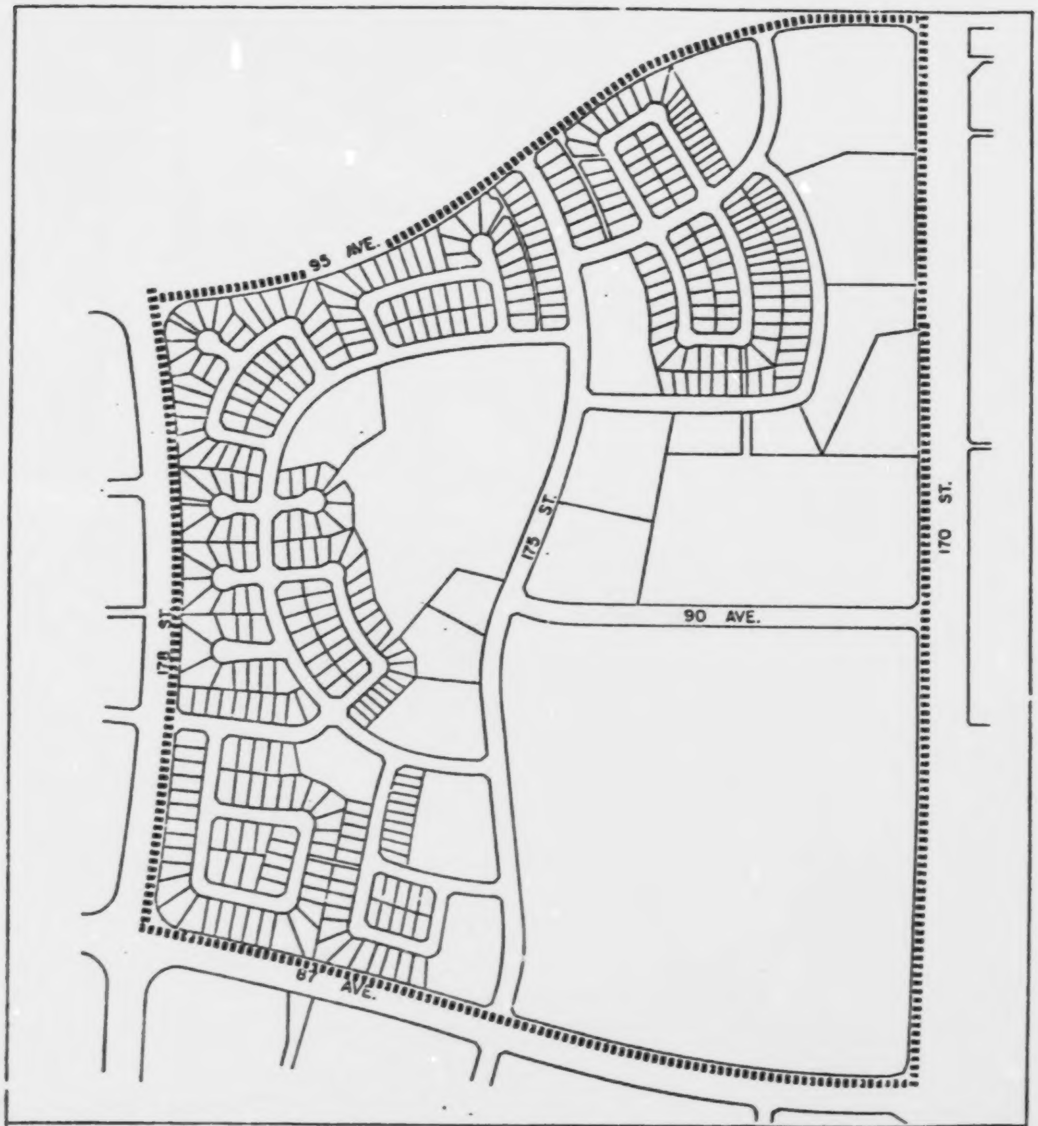
▪▪▪▪▪▪▪ limit of existing neighbourhood

N

LAND USE PLANNING BRANCH
CITY PLANNING

DATE MAY 18, 1978

APPENDIX 6-E


95 AVE.
178 ST.
175 ST.
170 ST.
90 AVE.
87 AVE.

PROPOSED NEIGHBOURHOOD

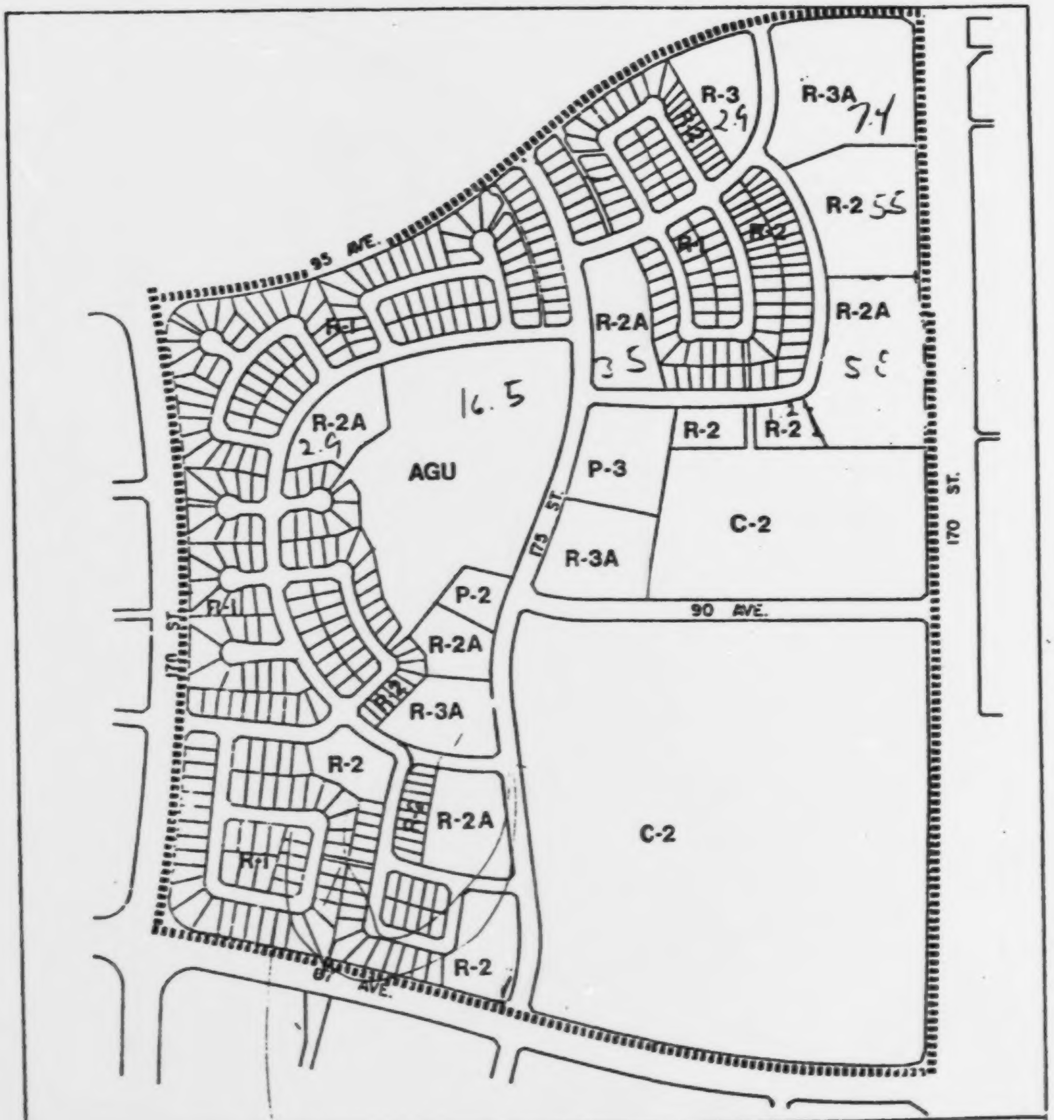
▪▪▪▪▪▪▪▪▪ limit of proposed neighbourhood

N

LAND USE PLANNING BRANCH
CITY PLANNING

DATE: MAY 18, 1978

APPENDIX 6-F


95 AVE.
R-3
2.9
R-3A
7.4
R-2
5.5
R-1
R-2
R-2A
3.5
R-2A
5.5
R-1
R-2A
2.9
16.5
AGU
R-2
R-2
1.1
P-3
173 ST.
C-2
170 ST.
R-3A
P-2
90 AVE.
R-2A
R-1
170 ST.
R2
R-3A
R-2
R-2A
R-1
C-2
R-2
87 AVE.
N

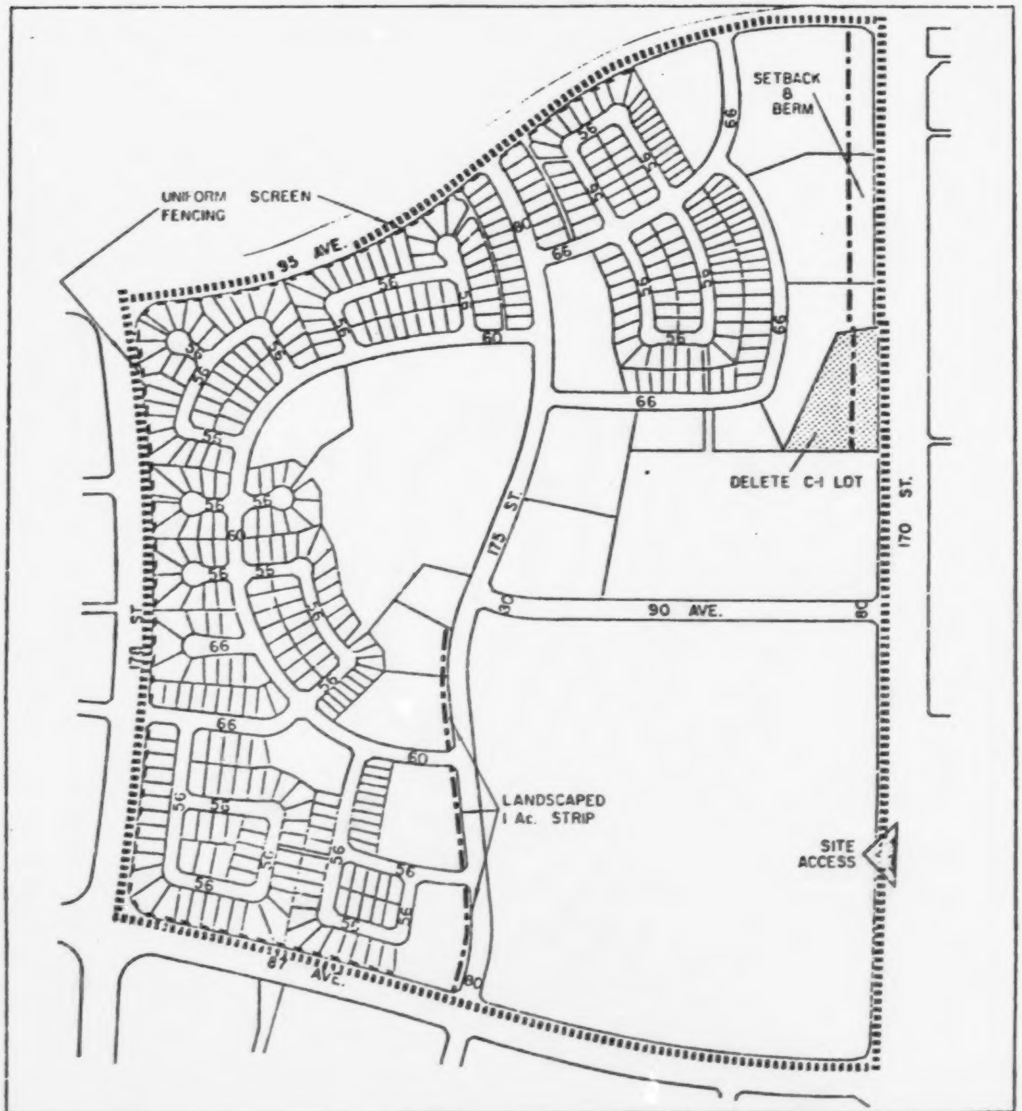
PROPOSED NEIGHBOURHOOD ZONING

▪▪▪▪▪▪ limit of proposed neighbourhood zoning

LAND USE PLANNING BRANCH
CITY PLANNING

DATE MAY 18, 1978

APPENDIX 6-G

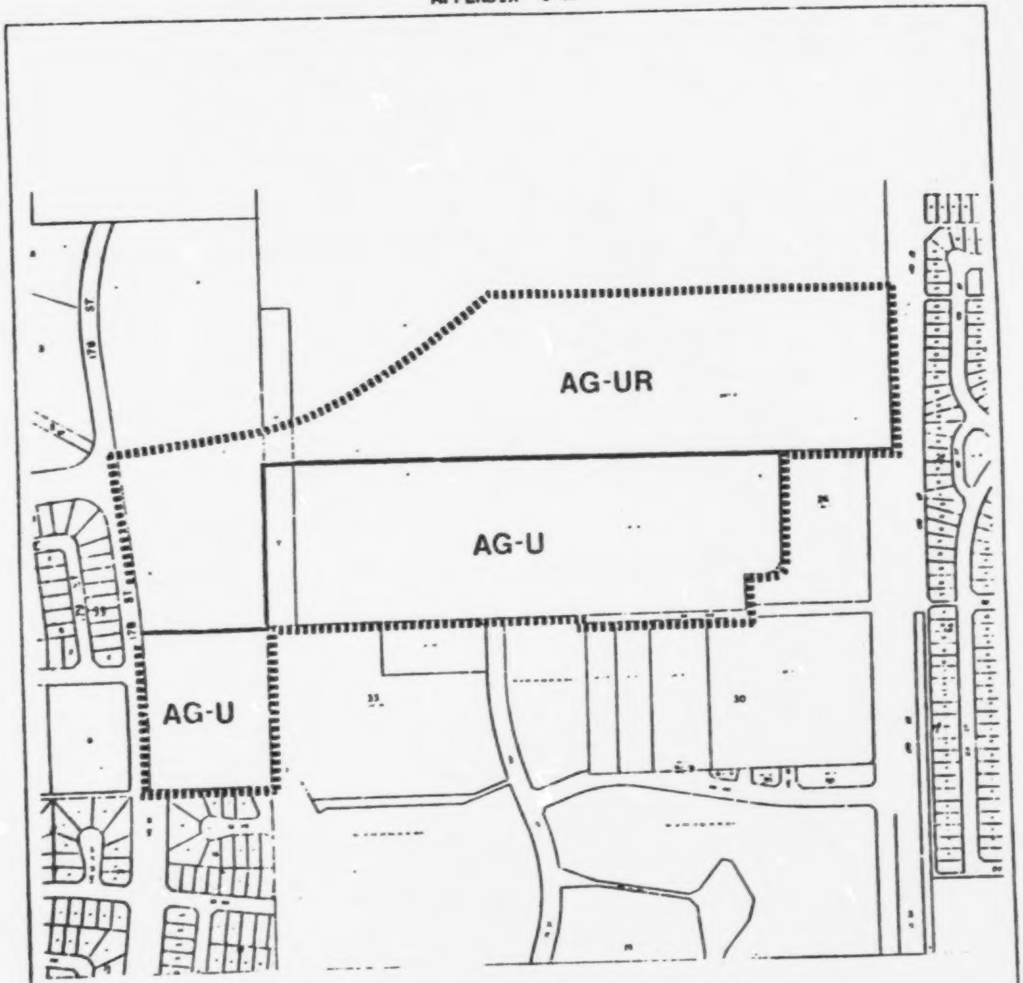

UNIFORM FENCING
SCREEN
95 AVE.
SETBACK & BERM
DELETE C-1 LOT
170 ST.
175 ST.
90 AVE.
87 AVE.
170 ST.
LANDSCAPED 1 Ac. STRIP
SITE ACCESS
56
60
66
80

M.P.C. CONDITIONS

LAND USE PLANNING BRANCH
PLANNING

DATE: MAY 18, 1978

APPENDIX 6-H


AG-UR
AG-U
AG-U
170 ST
170 ST
33
30

EXISTING SUBDIVISION

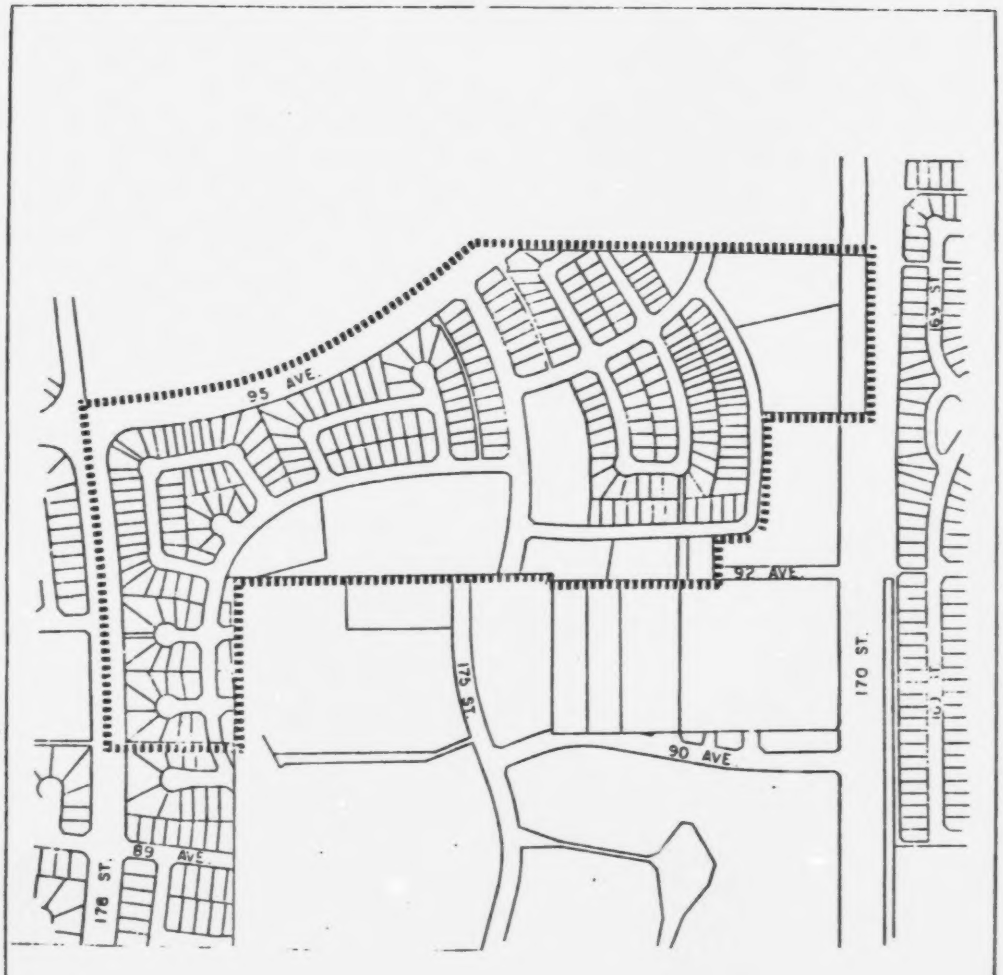
N

▪▪▪▪▪▪▪ limit of existing subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-111-S
DATE SEPT. 28/78

APPENDIX 6-I


95 AVE.
92 AVE.
90 AVE.
89 AVE.
178 ST.
175 ST.
170 ST.
169 ST.

PROPOSED SUBDIVISION

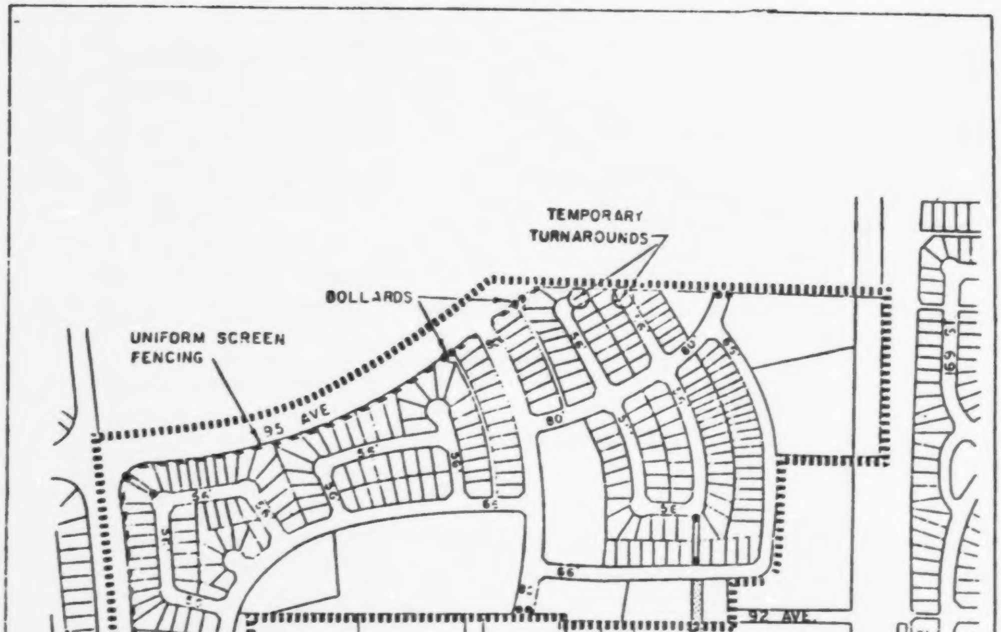
N

limit of proposed subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-111-S
DATE SEPT. 28/78

APPENDIX 6-J


TEMPORARY TURNAROUNDS
BOLLARDS
UNIFORM SCREEN FENCING
95 AVE
80'
66'
56'
92 AVE
TEMPORARY ACCESS
40' TEMPORARY ACCESS
175 ST
170 ST.
169 ST.
90 AVE
89 AVE.
178 ST.

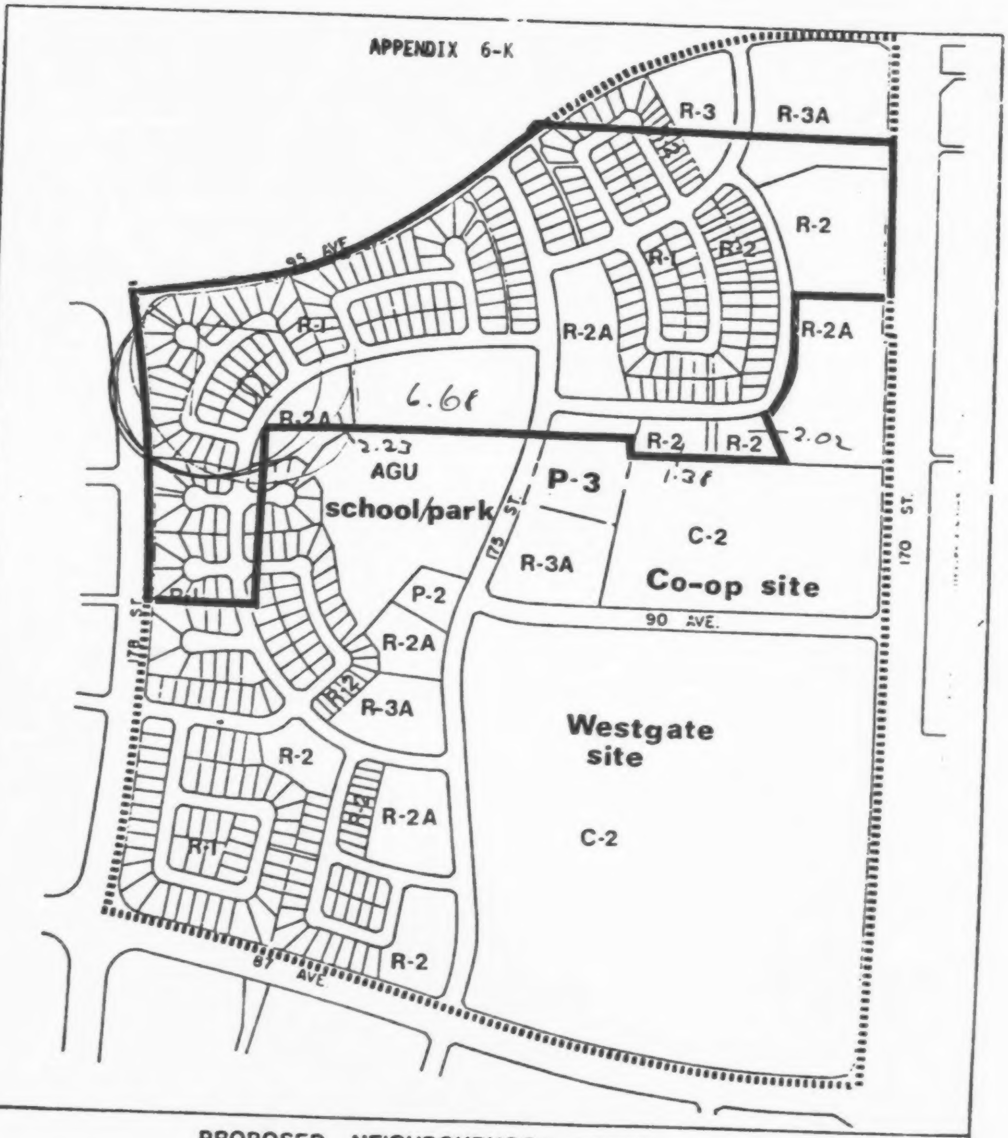
M.P.C. CONDITIONS

N

LAND USE PLANNING BRANCH
PLANNING

FILE NO 78-A-111-S
DATE OCT 12 /78

APPENDIX 6-K


R-3
R-3A
95 AVE
R-2
R-1
R-2
R-1
R-2A
R-2A
6.68
R-2A
2.23
AGU
school/park
R-2
R-2
2.02
P-3
1.38
175 ST.
C-2
Co-op site
R-3A
170 ST.
R-1
178 ST.
P-2
90 AVE.
R-2A
R-2
R-3A
Westgate site
R-2
R-2
R-2A
C-2
R-1
87 AVE
R-2

PROPOSED NEIGHBOURHOOD ZONING

SUMMERLEA

▪▪▪▪▪▪▪▪▪ limit of proposed neighbourhood zoning

N

LAND USE PLANNING BRANCH
CITY PLANNING

FILE ZB/78-186
DATE JAN 23 1979

CASE STUDY 7: RIVERBEND NEIGHBOURHOOD III (RAMSAY HEIGHTS)

7.1 Introduction

Ramsay Heights, with a gross developable area of 249 acres, is located in the Riverbend-Terwilliger Heights Community in southwest Edmonton. The neighbourhood lies between the North Saskatchewan River and the Whitemud Freeway (Appendix B). To the south lies undeveloped land to the City Limits and the Restricted Development Area established by the Provincial Government. The application was made by a planning consultant on behalf of a group of private owners. The majority of the neighbourhood was processed as a Subdivision by Replotting Scheme although its southeast portion was Subdivided by Plan. Glamorgan Heights, a 1960's Subdivision with eighteen single-family dwellings situated along the top of the river embankment, was added to the Neighbourhood III Outline Plan in 1978.

7.2 Findings

7.2.1 Process

The Riverbend Neighbourhood III (Ramsay Heights) land development proposal is considerably more complicated than the theoretical process outlined in the report on the Land Development Approval Process in Edmonton. The various elements in the Ramsay Heights application are documented schematically in flow chart form in Appendix A.

Essentially, the Owners' Group (Table 11.1) pursued the Subdivision of the Ramsay Heights Neighbourhood by a Subdivision by Replotting Scheme. However, in order to accomplish this objective, a Neighbourhood Outline Plan had to be approved. Based on a draft District Outline Plan (1970), the developers' consultant submitted a Neighbourhood Outline Plan in July 1971. At that time the District Outline Plan for Riverbend had yet to be approved.

The Neighbourhood Outline Plan submitted by the developers was approved by the Municipal Planning Commission in February, 1972. In May, a Subdivision Replot was submitted. In September, 1972, City Council granted the authority to prepare a Replotting Scheme. At this point the Riverbend District Outline Plan had been formally approved by City Council (July 17, 1972).

When site drainage problems were encountered, particularly in respect to the phasing of storm sewer connections, the replotting process was shelved. Documentary evidence, in the form of letters and memos suggest that both the Developer and the City's administration wanted to review development Plans for the area. The District Outline Plan was subjected to review beginning in 1974, a process which was only formally completed on September 12, 1979.

The developers submitted a revised Neighbourhood Outline Plan in December 1975. After two sets of revisions (April 1976 and July 1976) the Municipal Planning Commission approved the new Neighbourhood Outline Plan (July 15, 1976)

Subsequently, a Subdivision Replot was authorized by Council in April 1977. A Development Agreement, which had been requested by the Developer in August 1976 at the end of the Neighbourhood Outline Plan process, was finalized a year later. A Servicing Agreement was approved by Commission Board in August 1977. These two agreements were concluded before the Replotting Scheme had been approved.

TABLE 7.1

APPROVAL FEES PAID, APRIL 21, 1978

Land Owner	Fee Paid
Abbey Glen	$ 12,626.51
Walker, Newby and Associates	185.53
Dekker Construction Ltd.	943.95
Cadillac Fairview	6,378.93
Ace Lange Construction	822.28
Nu-Way Holdings Ltd.	406.36
Peers Construction Ltd.	406.36
Alldritt Development Ltd.	4,811.08
TOTAL	$ 26,581.00

By February 1978, the Municipal Planning Commission had decided to have the Glamorgan Heights subdivision, which had been developed for some time, included in the Neighbourhood Outline Plan. The Glamorgan Heights land owners had objected to some of the zoning proposals made by the developer in the subdivision replot linens submitted to the City in October 1977. The inclusion of the Glamorgan Heights subdivision in the Outline Plan boundaries necessitated amendments to the Neighbourhood Outline Plan. In May 1978, the Municipal Planning Commission approved the appropriate amendments to the Outline Plan and at the same time supported the subdivision replot and revised zoning proposals of the developer. (Compare Appendix E with Appendix F)

City Council, after threatening to hold up approval for a further six months because of several political factors, finally ended the process on August 16, 1978 with third and final reading of Bylaw 5383 amending the Zoning Bylaw in order to provide the appropriate development regulations to the specific sites in the subdivision.

In short, the sequential structure of the land development process was not followed. Four years after the original application the developers restarted their application at the Neighbourhood Outline Plan stage, when the District Outline Plan approved in 1972 was under review.

7.2.2 Delays

Delays were experienced at all phases of the land development process. From the developers' point of view, 86 months lapsed since the original application for a Neighbourhood Outline Plan to the ultimate approval of a zoned Subdivision.

According to various reports and the Procedures Manual for the City, the Neighbourhood Outline Plan Process should take 18 months maximum, excluding the time it takes the developer to prepare a replotting proposal. In this case, three months is the developers' preparation time. Hence, after a 17 month delay over and above the expected time frame, the developers withdrew their application.

Delays were also experienced with the developers' second submission (see Table 11.2). The second Neighbourhood Outline Plan and Subdivision Process which should have taken 20 months (18 months plus 2 months developer preparation time), in actuality took 33 months, amounting to a 13 month delay.

Furthermore, in addition to these two delay periods, there was an eight month layover period between the developers' request to withdraw the first replot and the submission of a second proposal. This results in an aggregate delay of 38 months.

Another statistic that indicates the delay experienced by the developer is the number of meetings held by approving authorities. The

TABLE 7.2

PLAN PROCESSING DELAYS (Riverbend Neighbourhood III)

Event	Actual Processing Time	Maximum Estimate	Delay
District Outline Plan	47 months	18 months	29 months
Neighbourhood Outline Plan	7 months	6 months	1 month
Subdivision by Replotting Scheme	35 months N.B. withdrawn	12 months	23 months
District Outline Plan Review	61 months	18 months	43 months
Revised Neighbourhood Outline Plan	8 months	6 months	2 months
Revised Subdivision by Replotting Scheme	23 months	12 months	11 months
	181 months	72 months	109 months

Source: Appendix A

developers had their submissions for Ramsay Heights on the Municipal Planning Commission's agenda 11 times. The various submissions and revised submissions were tabled on six of these occasions.

7.2.3 Causes of Delays

7.2.3.1 Procedural Problems: As outlined in Finding 2.1, the sequence of the approval process was not followed. Here it would seem the bulk of the responsibility lies with the administration in general and the Planning Department in particular. The developers, criticised for incomplete or inaccurate submissions were at a disadvantage because the general development guidelines were not explicit and had no currency as official development policies. The original submission was based upon a draft District Outline Plan. By the time the developers re-submitted their proposal, the District Outline Plan was under review. It can be argued that the 1971 application was premature. It is also clear that the District Outline Plan process undertaken by the Planning Department grossly exceeded all expected time limits. Internal memos indicate the Planning Department had difficulty in managing the approval process.

7.2.3.2 Political Roles: The roles of the approving bodies cannot be ignored. The Planning Department contends that City Council had given inconsistent directives to the Planning Department. The Municipal Planning Commission also issued conditions and directives that in retrospect are at least confusing, and contradictory in light of the Planning Department's instructions and advice to the applicants. Certainly the fact that the Municipal Planning Commission tabled the applicants' submission six times out of eleven is a commentary on the preparedness of the body to deal with the applications.

7.2.3.3 Site Problems: While there were problems with physical infra-structure and area resident reaction to the developers' proposals, these were largely within the sphere of the developers' control rather than the administration of regulations per se. The Planning Department had involved the area residents early on in the District Outline Plan process and the review of the District Outline Plan. The area resident controversy, manifested in early 1978 at both the Municipal Planning Commission and City Council hearings, was in reaction to the siting of high density (R-3) uses in proximity to the existing subdivision, Glamorgan Heights. These proposals by the developers did not conform to the development guidelines affirmed in the Neighbourhood Outline Plan. (Compare Appendix E with Appendix G).

The physical infra-structure problem is even more complex.

The application, as previously mentioned, can be considered to be premature. Hence, it was impossible to include the neighbourhood in the staging for the construction of service infra-structure. The City was committed to a construction schedule in other parts of the city. The developer was reluctant to undertake alternative arrangements. Preliminary analysis suggests that negotiations broke down even though a makeshift alternative had been proposed as a temporary solution. Apparently there were difficulties with Provincial Government regulation of the temporary arrangement for storm drainage through Whitemud Ravine.

7.2.4 Regulations and the Application of Regulations

Problems were experienced with both the content of regulations and the application of regulations. The regulations, particularly at the level of broad development policies, were vague and subject to manipulations. This was particularly evident when development policies were translated into site specific parcels of land use.

An additional complication was imposed by the unilateral establishment of a Restricted Development Area in a ring around the City by the Provincial Government. This was one of the chief factors necessitating the review of the Riverbend District Outline Plan.

Changes in the content of regulations inevitably add to the confusion in the application of the regulations. However, this case study reveals that the application of regulations in the Ramsay Heights neighbourhood was hampered by uncoordinated administrative review and conditional approvals by the Municipal Planning Commission. These factors created delays over and above those expected from the change in substance of the regulations.

The importance of the District Outline Plan delays and delays to the review of the Plan cannot be overemphasized. The review process, which resulted in the Area Structure Plan (new terminology for District Outline Plan), was, to say the least, confusing. The striking evidence lies in the total lack of relationship between the draft District Outline Plan circulated in the summer of 1977 and the official Area Structure Plan approved by Council some two years later. Any similarities between the two documents, in either content or form, is merely coincidental.

The developers also requested delays on at least two occasions. When the replotting scheme was withdrawn in 1974, the developers intimated changes in housing markets were forcing them to review their development strategy. As well, in late 1977, the developers asked for a delay in the District Outline Plan (Area Structure Plan) review.

7.3 Summary and Conclusion

7.3.1 Summary of Findings

The Riverbend Neighbourhood III (Ramsay Heights) development approval process took seven years to complete from the date of original application in 1971 to final approval in 1978. In essence, two applications were processed. The first was withdrawn in 1974. A subsequent application was made in 1975.

This case study reveals several factors in the land development approval process in Edmonton. In summary, these are:

7.3.1.1 The ultimate subdivision approval for Ramsay Heights was characterised by a complex set of iterations and revisions to applications. The sequential structure of the Planning and Subdivision process was not followed. Hence, the Neighbourhood Outline Plans and Subdivision Replots were prepared outside the context of an officially approved District Outline Plan.

7.3.1.2 The delays encountered were considerable. Delays to the subdivision process, which can be attributed to both the developers and the City, resulted in an aggregate delay of 38 months over and above the maximum time frame established by the city.

7.3.1.3 The reasons for the delays are manifold. Internal memos indicate the Planning Department had difficulty in managing the approval process. The Municipal Planning Commission issued conditions and directives that were incomplete, confusing, and, in retrospect, contradictory to the Planning Department's advice and instructions to the developers. In addition, the staging of physical infra-structure construction posed a problem. Finally, the negative reaction by area residents to the 1977 subdivision proposal created political obstacles to ready approval. The developers' proposal was not in conformity with the approved Neighbourhood Outline Plan.

7.3.1.4 Development regulations, particularly at the level of broad development policies, were vague and subject to manipulation. This was particularly evident when development policies were translated into site specific parcels of land use. Furthermore, the approval of the Ramsay Heights subdivision was hampered by uncoordinated administrative review and conditional approvals by the Municipal Planning Commission, both of which can be construed to be delays over and above those expected from the change in substance of the regulations.

7.3.2 Conclusion

The Ramsay Heights case study reveals several problems with the particular application of Land Development Regulations to a specific neighbourhood site. The reasons for these problems are:

7.3.2.1 There was a lack of coherent development policy framework of Neighbourhood III (Ramsay Heights). There were several problems with the District Outline Plan formulation which had adverse impacts upon the developers' Subdivision application.

7.3.2.2 The Planning Department had difficulty in managing the approval process. Approving bodies (Municipal Planning Commission and City Council) generated decisions which added additional conditions to the applications.

7.3.2.3 Throughout the process regulations were constantly changing. Consequently, the administration of the regulations lacked continuity and consistency.

7.3.2.4 The developers' Outline Plan and Subdivision Replotting Scheme were accepted prematurely, particularly in light of the problems with the District Outline Plan and the staging of the construction of service infra-structure.

The delay, whatever the cause, did not have totally negative effects for the land owners. The developer interview produced some land values for the area during the approval period:

December	1971	$ 10,000 per acre
December	1972	15,000 " "
December	1973	20,000 " "
December	1974	25,000 " "
May	1975	32,350 " "
December	1975	35,000 " "
June	1976	42,000 " "
December	1976	47,000 " "
December	1977	50,000 " "
June	1978	60,000 " "
December	1978	108,000 " "

The developer representative interviewed sums up one implication of this trend in land sale prices by concluding that "... we probably made more money by being held up all those years because of the land inflation which we experienced."

Costs of Delays

Land value estimates were obtained for a number of dates over the long time period this project was under development. Developer estimates of value were: December, 1971 - $10,000 per acre; December, 1972 - $15,000 per acre; December, 1973 - $20,000 per acre; December, 1974 - $25,000 per acre. A sale occurred in May 1975 at $32,350 per acre. Further developer estimates of land value were: December, 1975 $35,000; June, 1976 - $42,000; and December, 1976 - $47,000. Sales occurred within the project in December 1977 for $50,000 per acre and in June, 1978 for $60,000 per acre. A subsequent sale, felt by the developer to be non-representative occurred during December, 1978, at $108,000 per acre. Accordingly, delay costs were calculated using a land value of $60,000 per acre.

The project encompassed 249 acres. Delay time was 32 months. Costs of funds to the developer were estimated at 10 per cent prime rate plus a two per cent risk premium for a total of 12 per cent. Total dollar costs of delaying the receipt of $14,940,000 for 32 months is $4,781,000.

7.4 Chronology of Significant Events

July	22	1971	Developers' Consultant Submission of Neighbourhood Outline Plan - should take six months maximum based on 1970 draft.
Aug.	10	1971	Planning Department Circulation of Submission - reply deadline: Aug. 31, 1971
Sept.	8	1971	Planning Department Review Comments Sent to Developer's Consultant - minor revisions requested
Dec.	7	1971	Developer's Consultant Requests Submission to Municipal Planning Commission - there has been a perceived delay
Dec.	9	1971	Developer's Consultant Requests Submission to Municipal Planning Commission - revisions made as requested
Jan.	22	1972	Six Month Time Frame Elapsed (plan is behind schedule)
Feb.	17	1972	Municipal Planning Commission Conditional Approval of Neighbourhood Outline Plan - conditions relate to Development Agreement preparation, school site, road alignments, and deep sewer easements
May	12	1972	Developer's Consultant Submits Application for Subdivision by Replotting Scheme - should take one year maximum
Aug.	17	1972	Municipal Planning Commission Tabled pending legal description--incomplete information
Aug.	31	1972	Municipal Planning Commission Requests Legal Department to Draft Council Resolution for City Council's Consideration to Authorize the Replotting Scheme - conditions of Feb. 17, 1972 attached

Sept. 14 1972 Municipal Planning Commission
Tabled

- City Engineering and Transportation Departments desire additional conditions (delay in approval process while amendment prepared and extra information requested)

Sept. 26 1972 City Council
Authorizes Preparation of Subdivision Replot

Jan. 18 1973 Municipal Planning Commission
Requests Planning Department Report

- City procedure needs clarification

May 12 1973 One Year Time Frame Elapsed
(plan is behind schedule)

Nov. 22 1973 Municipal Planning Commission
Tabled

Oct. 4 1974 Developer's Consultant
Withdraws Replot from Municipal Planning Commission Agenda

- reviewing the subdivision plan; final decisions depend on client's plans--"... particularly important in view of reconsiderations currently under way by the City Planning Department of the Riverbend-Terwilleger Heights outline plan."

Feb. 17 1975 Superintendent, City Planning Department
Responds to Enquiry by Alderman E. Leger

- development is delayed due to developer's decision not to invest in the storm drainage facilities

Mar. 6 1975 Developer
Withdraws Replot

- reviewing subdivision in view of present market conditions (present plan may be outdated)
- have not been able to determine from the Planning Department what changes are being considered with the Riverbend-Terwillegar Heights Outline Plan and how they might affect this neighbourhood

Mar. 13 1975 Municipal Planning Commission
Replot Struck From Agenda
(formal end to submission)

Oct. 6 1975 Developer's Consultant
Notice of New Neighbourhood Outline Plan Submission

- requests confirmation of boundary
- requests confirmation of omission of Glamorgan Heights from Outline Plan area

Dec. 2 1975 Developer's Consultant
Submits Revised Neighbourhood Outline Plan

- includes plan of trunk services
- should take six months maximum

Dec. 15 1975 Planning Department
Circulation of Submission

- reply deadline: Jan. 15, 1976

Feb. 5 1976 Developer
Letter to Subdivision Planning Branch
Requests Meeting

- resolution of right-of-way classification and widths
- resolution of coordination of road alignments with adjoining neighbourhoods

Apr. 14 1976 Developer's Consultant
Submits Second Revision of Neighbourhood Outline Plan

Apr. 15 1976 Planning Department
Circulation of Submission

- further revisions required

May 11 1976 Developer's Consultant
Submission Comments Received

- consultants meet Developer to discuss action

May 27 1976 Developer
Letter to Director, Subdivision Planning Branch
Requests Plan to be Presented to the Technical Review Committee Prior to its Submission to Municipal Planning Commission

- Developer has endeavoured to accommodate changes recommended by various City departments through two circulations of the Plan
- Developer feels that coordination amongst various City Departments is necessary if any further changes are to be incorporated in the Plan

June	2	1976	Six Month Time Frame Elapsed (plan is behind schedule)
June	23	1976	Technical Review Committee Reviews Neighbourhood Outline Plan Submission Revisions Needed
July	7	1976	Developer Submits Revision of Neighbourhood Outline Plan - requests submission to Municipal Planning Commission for approval on July 15, 1976
July	15	1976	Municipal Planning Commission Conditional Approval of Neighbourhood Outline Plan
Aug.	5	1976	Developer Requests Development Agreement Notice of Intention to Proceed with Subdivision and Servicing - anxious to commence development
Oct.		1976	Developer's Consultant Submits Application for Subdivision by Replotting Scheme
Jan.	25	1977	Director, Subdivision Planning Branch Letter to Developer Revisions Requested - presentation to Feb. 10 meeting of Municipal Planning Commission dependent on completion of revisions by Jan. 31 - eleven revisions listed
Feb.	10	1977	Municipal Planning Commission Tabled Report Requested - economic impact study on further details of freeway responsibliity and construction costs staging
Mar.	14	1977	Owners' Management Committee Letter to City Board of Commissioners Urges Action Taken to Ensure Development of Neighbourhood III This Year - further delay could break up ownership group leaving the City to carry the financial load of development - economic impact study not prerequisite to approval of Plan

- there is no evident reason to delay the development of Neighbourhood III
- development will increase the supply of lots to the City at least cost

Mar. 24 1977 Municipal Planning Commission
Conditional Authorization of Subdivision by Replot Scheme and Conditional Support for Development Agreement

Apr. 27 1977 City Council
Authorizes Preparation of Subdivision Replot

- conditions attached

Aug. 9 1977 City Administration/Owners
Development Agreement Finalized

Aug. 31 1977 City Commission Board
Servicing Agreement Approved

Oct. 21 1977 Developer's Consultant
Submits Replot Linens

- linens inconsistent with Neighbourhood Outline Plan (compare Appendix G with Appendix E)

Jan. 5 1978 Manager, Land Use Planning Branch
Letter to Riverbend Management Committee
Warns of Further Delays

- delays in rezoning anticipated--local area residents have registered considerable opposition to multiple family components
- Planning Department cannot support R-3 zoning of site directly east of the Glamorgan Heights area
- felt need to correct a possible misconception regarding interpretation of Municipal Planning Commission's authorization of March 24, 1977

Feb. 23 1978 Municipal Planning Commission
Tabled Neighbourhood Outline Plan
Amendments Requested

- boundary adjustment to include Glamorgan Heights
- three lots in Glamorgan Heights be designated single family
- two apartment sites fronting onto Glamorgan Heights be relocated
- density calculations be adjusted to reflect enlarged area of Plan

Mar. 23 1978 Municipal Planning Commission
Approves Amendment of Neighbourhood Outline Plan
Conditional Approval of Linen Plans
Supports Zoning Bylaw Amendment

Apr. 19 1978 Municipal Planning Commission Secretary
Signs Linen Plans

May 23 1978 City Council
Zoning Bylaw Amendment (Bylaw 5383)
First and Second Reading Given (see Appendix H)

June 13 1978 City Council
Tabled

- referred for further study and citizen participation for up to six months
- area residents object to high density, etc.

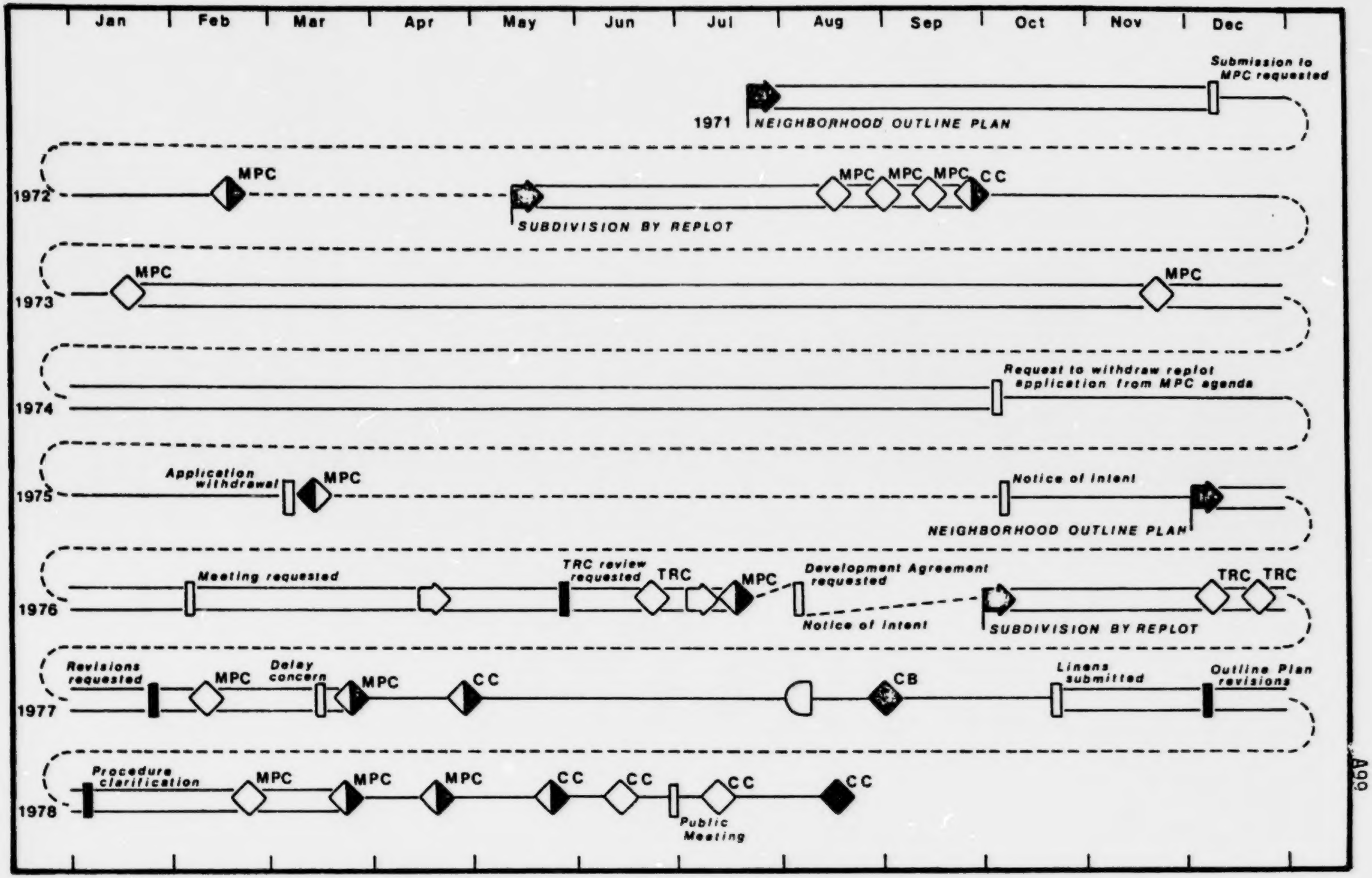
June 28 1978 Public Meeting (issues discussed)

June 30 1978 Owners' Committee
Letter to Mayor and City Council
Request that Bylaw 5383 be Lifted from the Table

- owners have made concessions, but few more can be made at this stage
- meeting with Citizens Group and the Planning Department was attended by only five families (from Glamorgan Heights and Brander Gardens)
- expresses concern that delay would leave Riverbend III without power, cable television, or telephone until July, 1979
- meeting with Citizen's Group "... has revealed that they do not have any clear goals other than introducing major changes to a plan which has been approved, serviced and committed to nearly $7.5 million. They have now indicated that they shall not meet as a group until July 5."
- the Plan is being unreasonably delayed and any further delay after Council's July 11 meeting will result in the land remaining partically serviced and unavailable to the housing market until late summer or early fall of 1979

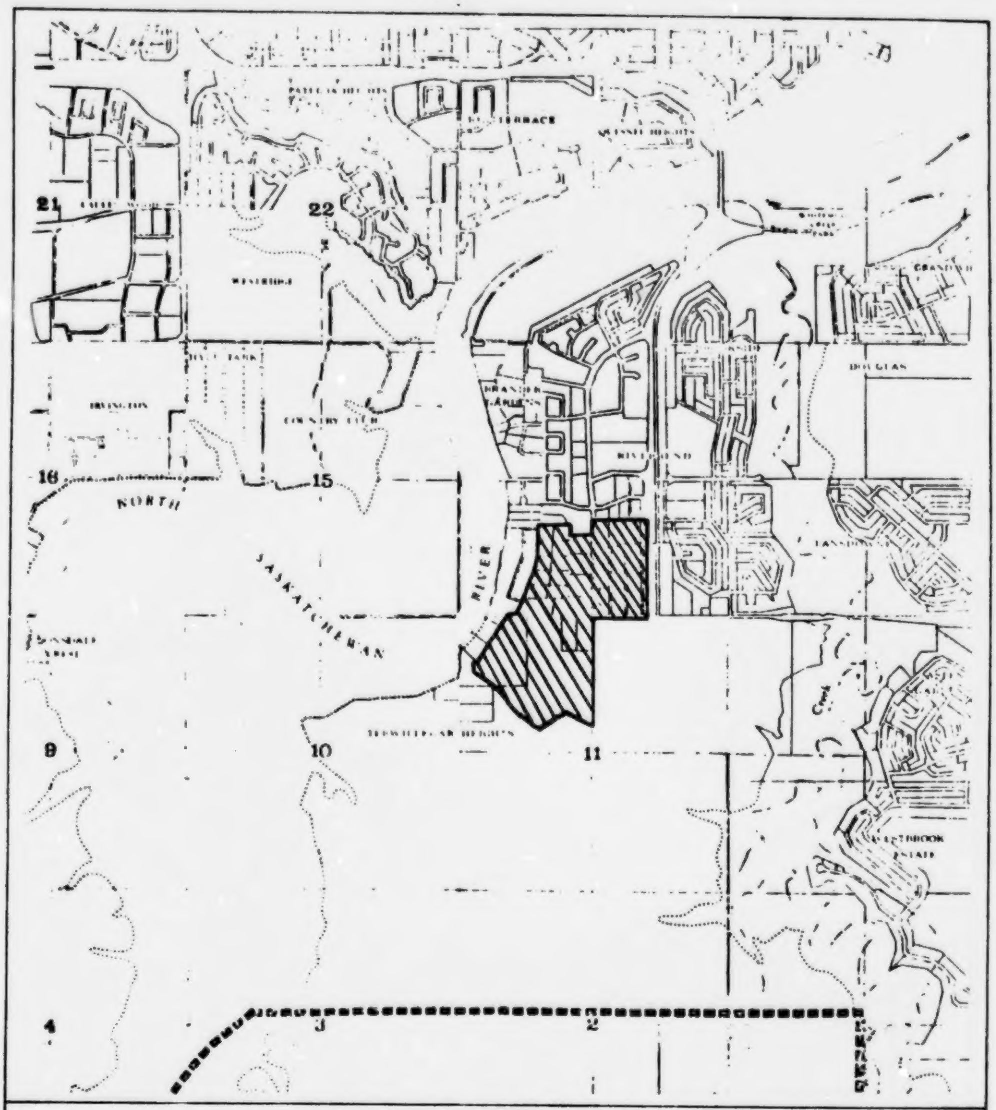
July 11 1978 City Council
Referred to Next Meeting

Aug. 16 1978 City Council
Zoning Bylaw Amendment (Bylaw 5383)
Third Reading and Final Approval Given


Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
1971
NEIGHBORHOOD OUTLINE PLAN
Submission to MPC requested
1972
MPC
SUBDIVISION BY REPLOT
MPC
MPC
MPC
CC
1973
MPC
MPC
1974
Request to withdraw replot application from MPC agenda
1975
Application withdrawal
MPC
Notice of intent
NEIGHBORHOOD OUTLINE PLAN
1976
Meeting requested
TRC review requested
TRC
MPC
Development Agreement requested
Notice of intent
SUBDIVISION BY REPLOT
TRC
TRC
1977
Revisions requested
MPC
Delay concern
MPC
CC
CB
Linens submitted
Outline Plan revisions
1978
Procedure clarification
MPC
MPC
MPC
CC
CC
Public Meeting
CC
CC

7. RAMSAY HEIGHTS

APPENDIX 7 -B


21
22
WESTRIDGE
COUNTRY CLUB
BRANDER GARDENS
RIVERBEND
DOUGLAS
16
15
NORTH
SASKATCHEWAN
RIVER
TERWILLEGAR HEIGHTS
Creek
WESTBROOK ESTATE
9
10
11
4
3
2

VICINITY

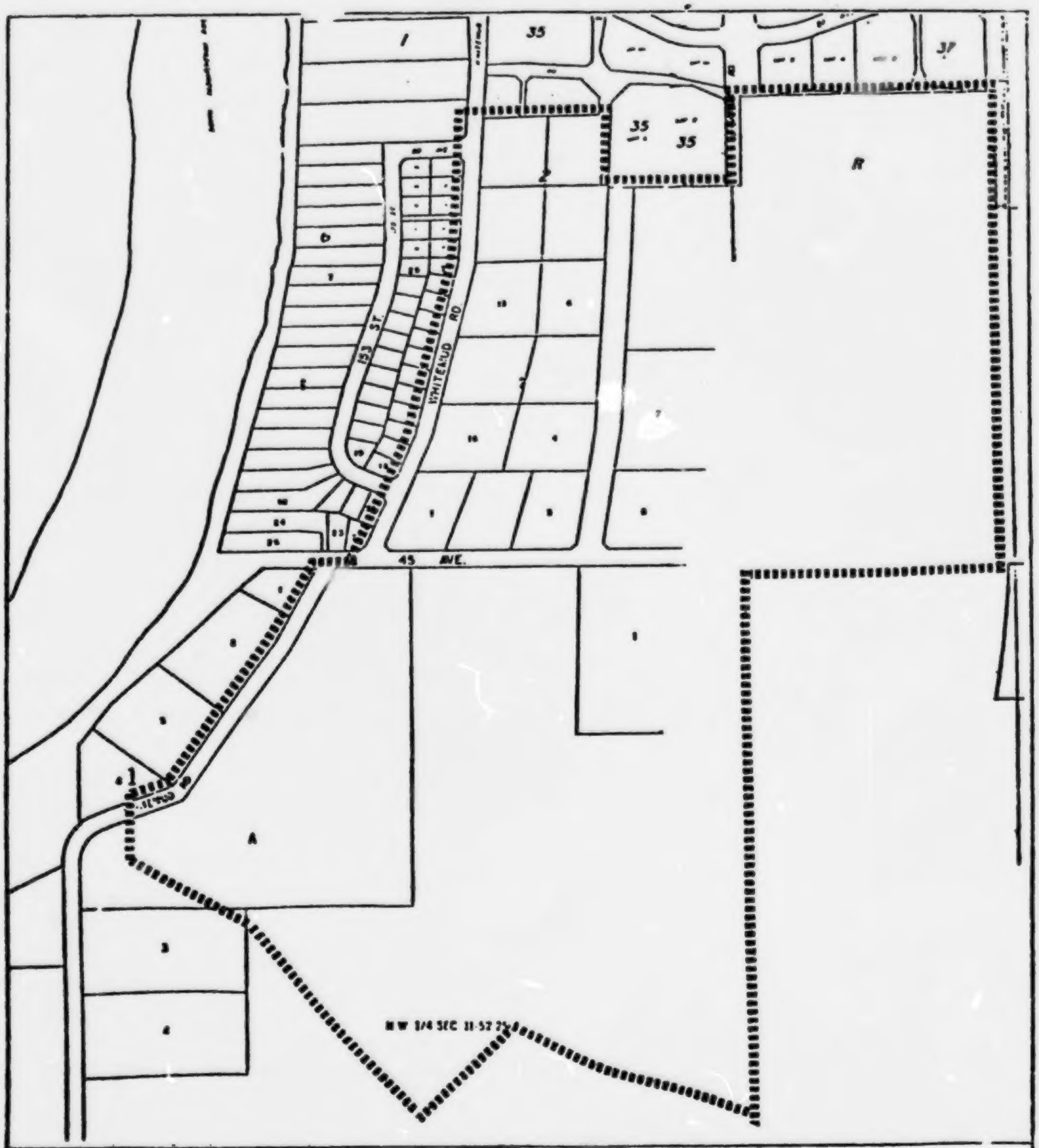
▨ limit of Ramsey Heights

LAND USE PLANNING BRANCH
CITY PLANNING

FILE NO. 77-X-207-R
DATE: MAY 23, 1978

N

APPENDIX 7-C


1
35
37
35
35
R
2
153 ST.
WHITEMUD RD
45 AVE.
A
3
4
NW 1/4 SEC 11-52 25-4

EXISTING SUBDIVISION

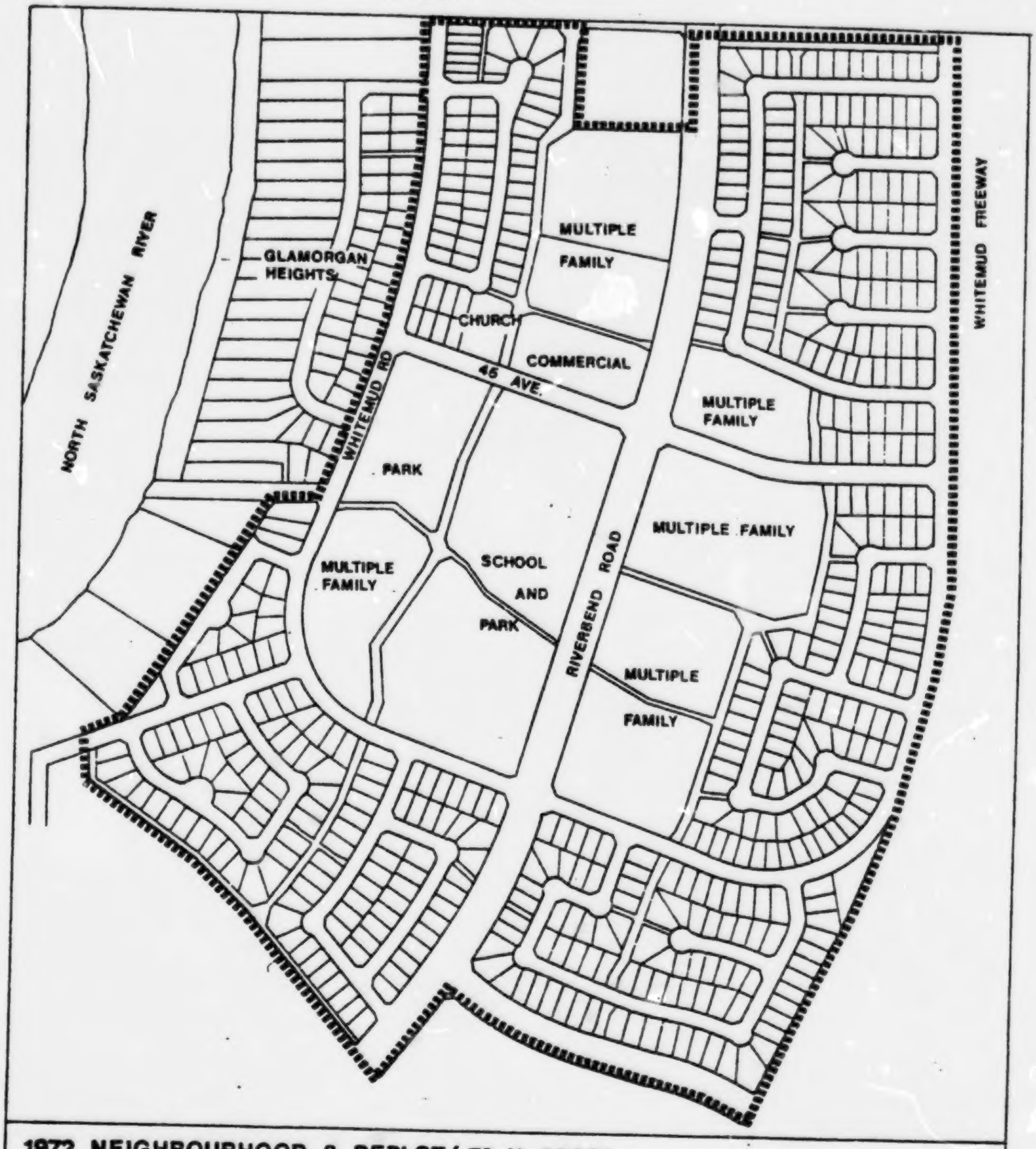
N

▪▪▪▪▪▪▪▪▪▪limit of area requested for approval and adoption

LAND USE PLANNING BRANCH
CITY PLANNING

FILE NO. 77-X-207 -R
DATE MAY 23, 1978

APPENDIX 7-D


NORTH SASKATCHEWAN RIVER
GLAMORGAN HEIGHTS
WHITEMUD RD
MULTIPLE FAMILY
CHURCH
COMMERCIAL
45 AVE.
MULTIPLE FAMILY
PARK
MULTIPLE FAMILY
MULTIPLE FAMILY
SCHOOL AND PARK
RIVERBEND ROAD
MULTIPLE FAMILY
WHITEMUD FREEWAY
N

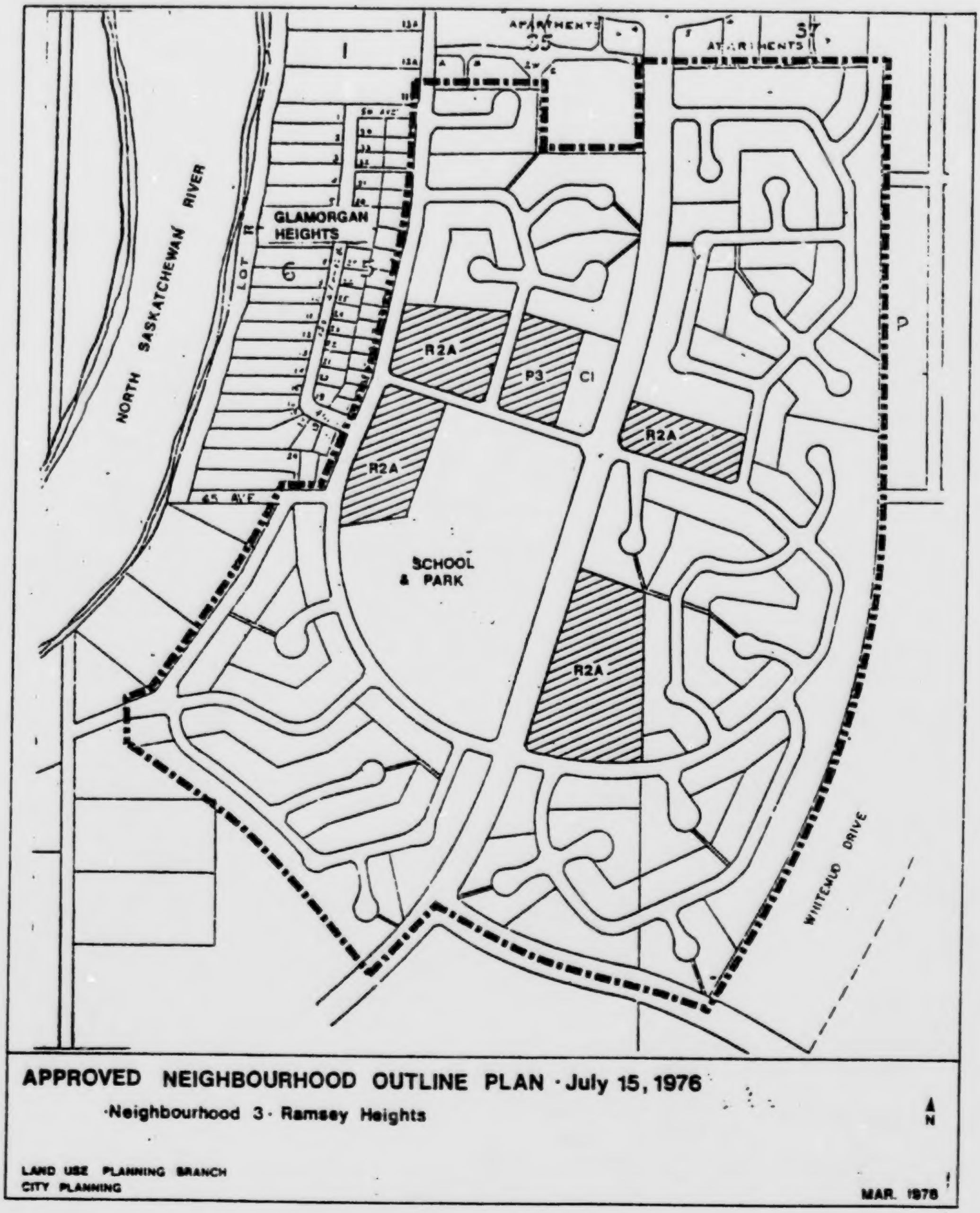
1972 NEIGHBOURHOOD 3 REPLOT (72-X-089R)

-land uses proposed by developer at that time

LAND USE PLANNING BRANCH
CITY PLANNING

JAN. 6 ,1978

APPENDIX 7-E


APARTMENTS
35
APARTMENTS
37
I
GLAMORGAN HEIGHTS
LOT R
6
5
NORTH SASKATCHEWAN RIVER
65 AVE
R2A
P3
CI
R2A
R2A
P
SCHOOL & PARK
R2A
WHITEMUD DRIVE

APPROVED NEIGHBOURHOOD OUTLINE PLAN · July 15, 1976

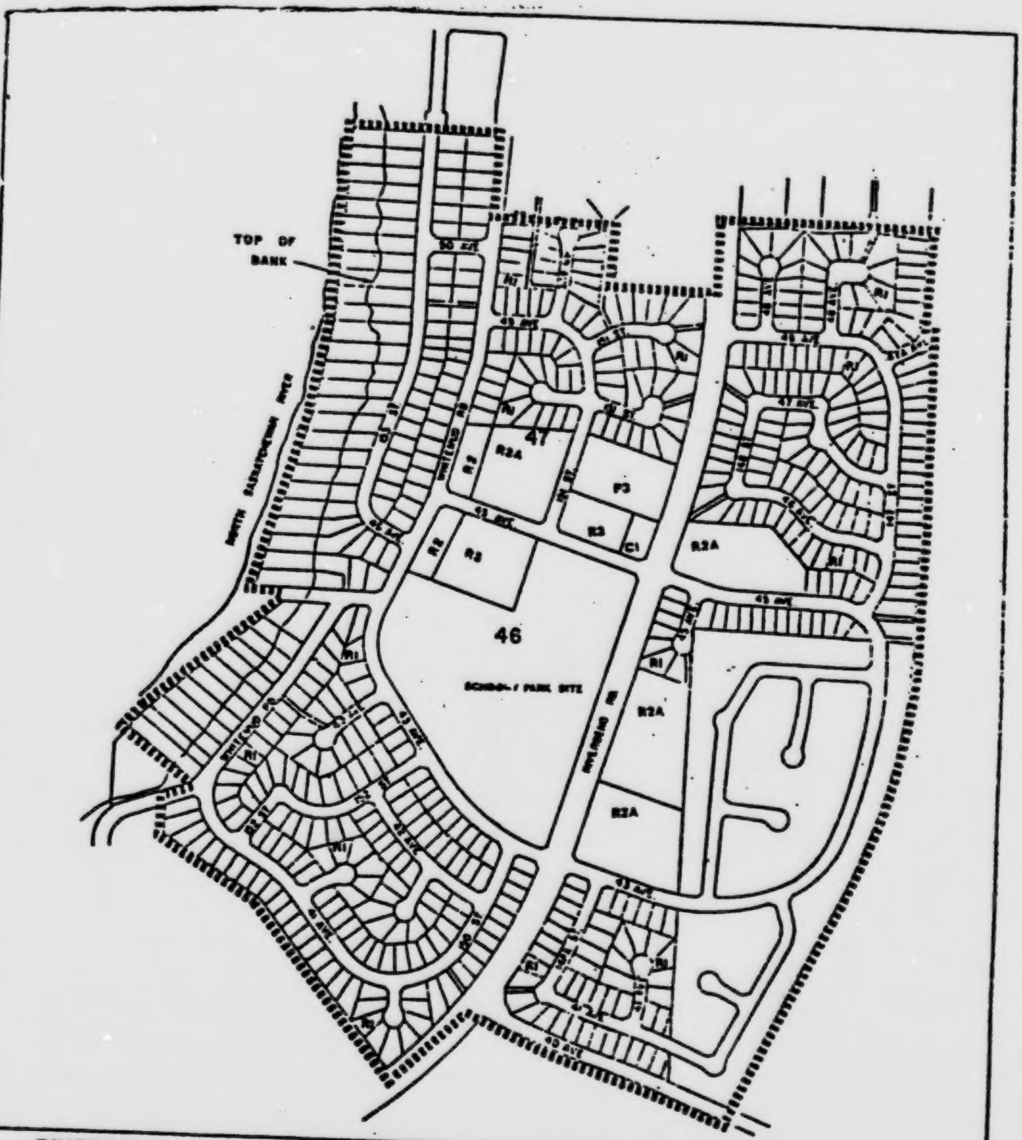
·Neighbourhood 3· Ramsey Heights

N

LAND USE PLANNING BRANCH
CITY PLANNING

MAR. 1978

APPENDIX 7-F


TOP OF BANK
NORTH SASKATCHEWAN RIVER
50 AVE
47
R2
R2A
P3
R3
C1
R2A
46
SCHOOL / PARK SITE
R1
R2A
R2A
R1
R1
40 AVE
N

RIVERBEND - Neighbourhood 3 - Revised Outline Plan - M.P.C. Approval Mar. 23/78

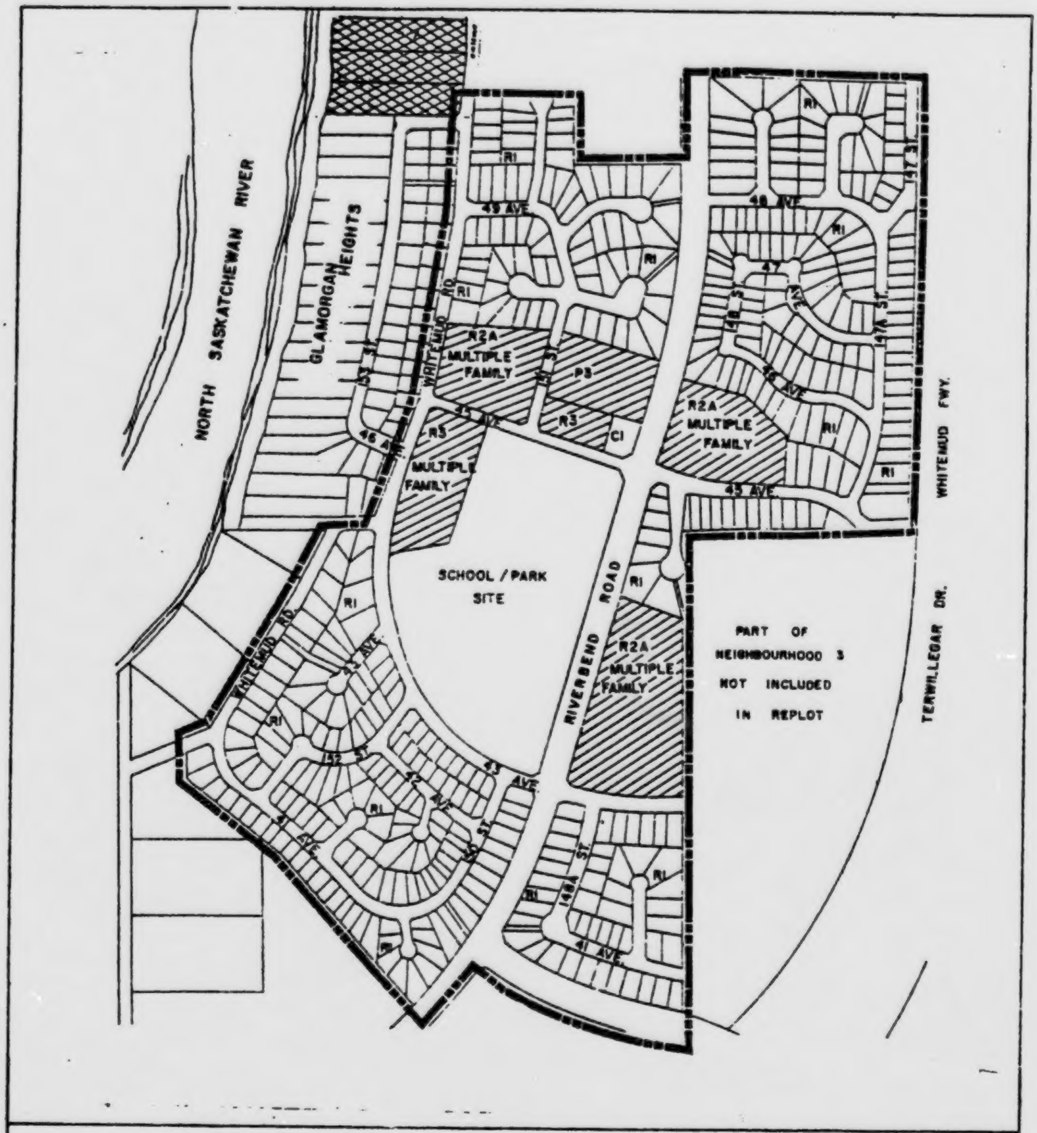
▪▪▪▪▪▪▪▪▪▪ limit of neighbourhood outline plan

LAND USE PLANNING BRANCH
CITY PLANNING

In accordance with M.P.C. Motion of
March 23, 1978

DATE: MAR. 23 1978

APPENDIX 7-G


NORTH SASKATCHEWAN RIVER
GLAMORGAN HEIGHTS
WHITEMUD RD.
R1
48 AVE.
47 AVE.
R2A MULTIPLE FAMILY
P3
R3
C1
45 AVE.
46 AVE.
MULTIPLE FAMILY
SCHOOL / PARK SITE
RIVERBEND ROAD
PART OF NEIGHBOURHOOD 3 NOT INCLUDED IN REPLOT
TERWILLEGAR DR.
WHITEMUD FWY.
43 AVE.
42 AVE.
41 AVE.
N

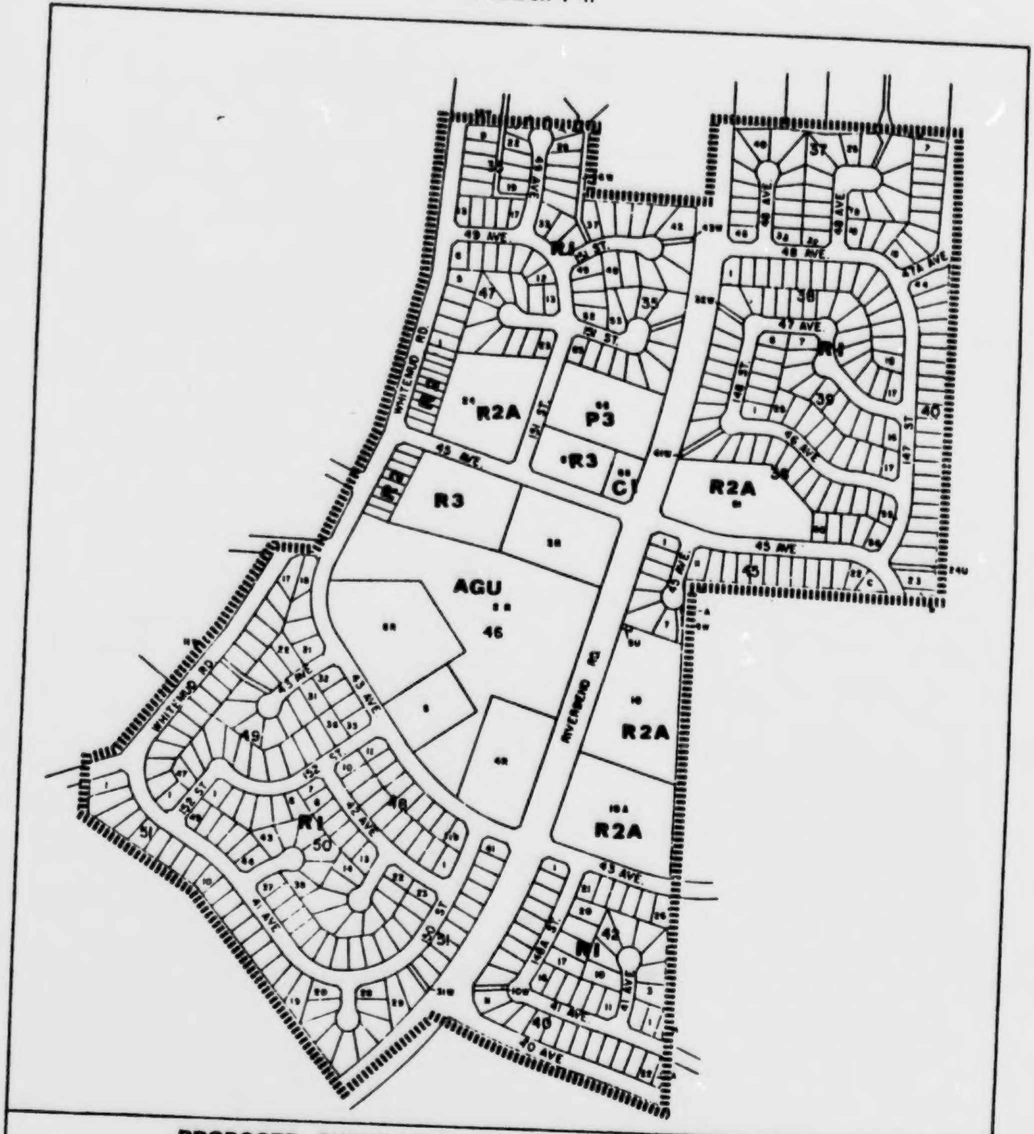
CURRENT NEIGHBORHOOD 3 REPLOT (76-X-207-R)

LAND USES PROPOSED BY DEVELOPER FOR AREA AUTHORIZED FOR REPLOT, APRIL 1977

▨ AREA OF REQUEST FOR R2A REZONING

MAR. 1978

APPENDIX 7-H


R2A
P3
R3
R3
C1
R2A
AGU
46
R2A
R2A
R1
R1
R1
47
35
38
39
34
45
49
50
51
48
42
40
37
36
49 AVE
48 AVE
47 AVE
46 AVE
45 AVE
43 AVE
42 AVE
41 AVE
40 AVE
WHITEMUD RD.
151 ST.
149 ST.
147 ST.
152 ST.
150 ST.
148A ST.
RIVERBEND RD.

PROPOSED SUBDIVISION BY REPLOTTING PROCESS

▪▪▪▪▪▪▪▪▪ limit of area requested for approval and adoption

N

LAND USE PLANNING BRANCH
CITY PLANNING

FILE NO. 77-X-207-R
DATE: MAY 23, 1978

CASE STUDY 8: CASTLE DOWNS STAGE II AREA STRUCTURE PLAN

8.1 Introduction

Castle Downs Stage II Area Structure Plan, consisting of some 2,560 gross acres, is known formally as Bylaw No. 5739, the Edmonton North Area Structure Plan. A submission for the Area Structure Plan was made by Genstar Developments Ltd. on behalf of that firm and a number of private owners.

8.2 Findings

The Area Structure Plan for Castle Downs II was prepared by a consulting firm on behalf of the private land owners.

8.2.1 Process

The role of the City Planning Department was limited to the processing of a private application for an Area Structure Plan formerly termed District Outline Plan, as opposed to the formulation of a complete plan. The plan was a second phase of an earlier (1972) District Outline Plan for Castle Downs.

The developer indicated in 1973 that the Stage II area would be needed in 1978. Consequently, the Municipal Planning Commission issued a request to the developer in January, 1977 to proceed with the details for the Stage II Area Structure Plan. In June, 1978, the developer submitted the formal application for the Area Structure Plan. Because the developer submitted an application which utilized an unconventional means of dealing with storm drainage, the Planning Department had difficulty in assessing the technical aspects of the proposal. There were no City standards to apply to the system and it was necessary for the administration to develop policy and performance standards while processing the developer's application.

The developer representative interviewed pointed out that the concept of storm water management was not new to the City, rather, it was the fine tuning of the system which seemed to confuse the City administrators.

The Plan was approved in principle by the City Council with first and second readings of the Bylaw (5739) and formally approved in August with third reading and final approval of the Plan Bylaw.

8.2.2 Delays

Complaints about delays in the approval process are documented in the Planning Department files. At least once, the processing of the application was the subject of an article in the Edmonton Journal. Essentially, the complaints centred around the evaluation of the storm drainage system and concomitant development of policy by the City.

Overall, delays in the processing of the application were relatively insignificant. Approval in principle by City Council occurred 18 months after formal application which is the maximum time period estimated by the Planning Department. Third reading and final approval added two months to the complete approval process.

The Developer interview recorded a concern that delays in getting to Council were significant. They cite one example of the City Transportation Planning Department requesting a report on the viability of locating a 160 acre employment area in the Plan to ease the demand on the roads. A study, which took six weeks to prepare, showed the "folly" of such a centre.

8.2.3 Causes of Delays

Even though the approval occurred within the maximum time estimate, discussion of the delays over and above the five month minimum is germane in the light of the publicity accorded the application.

As discussed in Sections 2.1 and 2.2, confusion resulted from the lack of policy and performance standards for the innovative storm water system. This pushed the approval process to the maximum time period because policy and standards were being developed during the approval process.

There were only two City Council meetings during the summer months of July and August creating heavy agendas and lengthy periods between meetings. The two month delay between second and third readings of the Bylaw can be attributed to the difficulty in scheduling the Plan on Council's agenda.

Input from the developer interviews revealed perceptions that delays were caused by the turnover in personnel at City Hall. Three different planners dealt with the application resulting in delays while replacements gained familiarity with the Plan. Complaints were also directed at the lack of work done in City Hall around Christmas.

Further conversations with a senior planner also revealed a concern with a developer delay associated with the provision of services. In the original application, the developers wanted the

City to extend storm water and sanitary lines from the river to the Plan area. The City said no; redesign the Plan, or forget it. The usual practice is to extend development with the lines. In this case the developers wanted the City to extend the lines over undeveloped land to service their area. This caused considerable delay.

8.2.4 Regulations and the Application of Regulations

This case study illustrates the response of the City to innovations in subdivision design. The developer submitted a plan utilizing open bodies of water for storm water drainage. This proposal raised a plethora of issues from legal liability to technical evaluation outside the policy framework established by the City for the evaluation of Area Structure Plans. In this light the City undertook the development of new policies and standards while processing the developer's application. It should be borne in mind that the administration could have refused to accept the application until the policies were fully developed.

8.3 Summary and Conclusion

8.3.1 Summary of Findings

The Planning Department processed the Area Structure Plan for Castle Downs II, which was prepared by a private consultant, in 14 months.

12.3.1.1 The Plan Application involved an unconventional storm water system. The City prepared policies and standards for similar systems while processing the application for the Area Structure Plan.

12.3.1.2 The Application was processed within the 18 months maximum time estimate of the Planning Department.

8.3.2 Conclusion

The City Planning Department is willing to undertake innovative subdivision applications even though policies and standards may not specifically apply to the proposals.

While confusion can arise from concurrent approval decisions and policy formulation, even further delays would have resulted from refusing to accept the application until policies had been finalized.

The Developer Interview revealed a conflict between the Developer and the Administration in terms of long- and short-term planning. The Developer indicated the completion of Castle Downs by

1978--a five-year program. The Developer interviewed thought that the City fell behind in their planning for this area because "they don't work that far in advance and took little note of the time line."

Costs of Delay

Current value of the land in Castle Downs (February, 1980) is $60,000 per acre on the basis of sales data. Since there were no delays in the processing of this project the money costs of delay are zero.

8.4 Chronology of Significant Events

Jan.	1	1971	Annexation of Edmonton North Area
		1973	Developer (Genstar) Reports Need to Develop to Stage II by 1978
Jan.	6	1977	Municipal Planning Commission Requests Developer to Proceed with Detailed Plans for Stage II
June	21	1978	Developer Presentation of Area Structure Plan to the Technical Review Committee
June	22	1978	Developer Submits Formal Area Structure Plan - presentation made to Municipal Planning Commission received as information - innovative storm water management system introduced
Aug.	9	1978	City Land Use Planning Branch Internal Memo - strong critique of the Area Structure Plan in terms of concept, quality of presentation, and specific planning deficiencies
Aug.	17	1978	Municipal Planning Commission Developer Requests Public Meeting
Aug.	17	1978	Municipal Planning Commission Recommends that City Council Authorize Public Meeting and Recommends Application to Amend the Preliminary Regional Plan
Sept.	5	1978	City Council Authorizes Public Meeting
Oct.	4	1978	Public Meeting
Nov.	23	1978	Developer Hand Delivered Letter to General Manager, Planning Department Objects to Critique in Internal Memo (of Aug. 9, 1978) - General Manager replies promising personal investigation
Nov.	29	1978	Metropolitan Committee, Edmonton Regional Planning Commission Considers Amendment to Regional Plan

Dec. 5 1978 General Manager, Planning Department
Responds to Developer's Letter of November 23, 1978

- explains that critique was sent to the developer in error and does not reflect the attitude of the Department
- sets January 12, 1979 as date to identify unresolved issues
- assures Developer that Plan is of top priority

Dec. 6 1978 Edmonton Regional Planning Commission
Approves Amendment of Preliminary Regional Plan

Dec. 8 1978 Developer
Letter to Planning Department

- expresses disappointment that City needs six months to devise appropriate policies
- reiterates need for speedy approval

Dec. 14 1978 Municipal Planning Commission
Receives Area Structure Plan

- new approach to approval: "Rather than approve a plan with a series of conditions or request the applicant to undertake plan revisions as the administration formulates policy, we are requesting that the administration prepare guidelines and then direct the applicant on the proper plan revisions. This will negate the applicant making numerous and perhaps costly revisions and affords the administration the opportunity to develop a comprehensive policy."
- priority to settle unresolved issues by Jan. 12, 1979

Dec. 26 1978 Edmonton Journal Article

- Developer quoted, "A more coordinated approach from City Hall would help the approval process. We don't know what the City expects."
- City Planner quoted, "... the City's processing time has not been inordinate, given the magnitude of the proposal and the complexity of issues."

Jan. 8 1979 City Water & Sanitation Department
Interdepartmental Memo

- identifies need for major water feedmain; the major cost (multi-million dollar project) must be front-ended by the developers of all lands in Area II

Jan. 22 1979 Developer
Letter to Planning Department

- agrees that churches will have to negotiate with developers-owners on social issues of church sites

Jan. 30 1979 City Water & Sanitation Department
Memo to Land Use Planning

- clarifies water main funding: the front-end monies paid by developers will be fully refundable; in effect, the developer would merely be providing interim financing.

Feb. 1979 (Developer Interview Note: The first addendum to the Area Structure Plan was submitted to the City in response to the Municipal Planning Commission meeting of December 14, 1978)

Mar. 15 1979 Municipal Planning Commission Area Structure Plan
Conditional Support in Principle; Recommends to City Council that Structure Plan be Approved and Adopted by Bylaw

The ten conditions include:

- economic impact analysis on cost benefits of Storm Water Management System - requested for Council
- requests Developer to carry out study to solve Provincial financing of two arteries, and to solve concerns with respect to traffic problems created by the location of the Town Centre
- requests study of implications of Storm Water Management System

May 14 1979 Planning Department
Letter to Developer

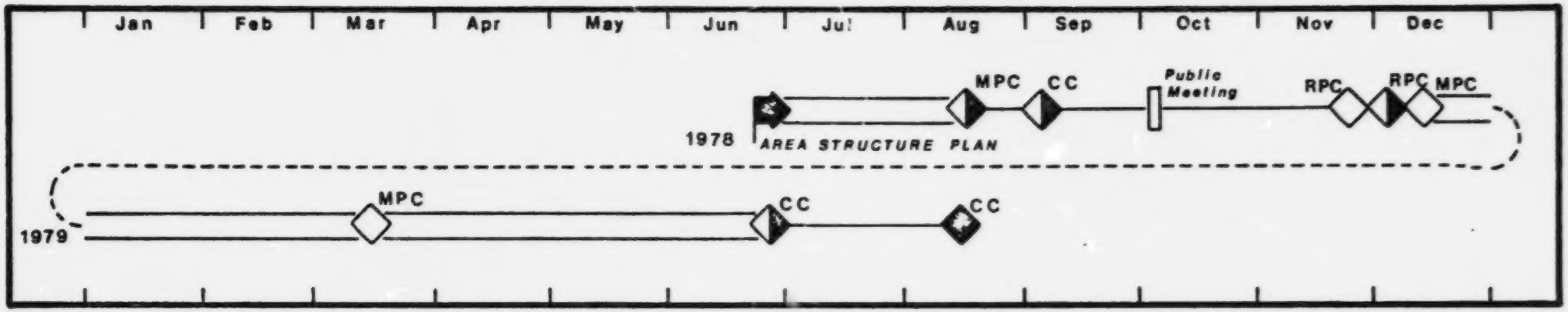
- outlines schedule for Bylaw approval process

June 1979 (Developer Interview Note: The third revision of the Area Structure Plan was prepared and formed the basis for the Bylaw)

June 1979 (Developer Interview Note: The City requested follow-up information on Commercial uses on storm water management, flexibility of staging, and proposed land uses for the Restricted Development Area.)

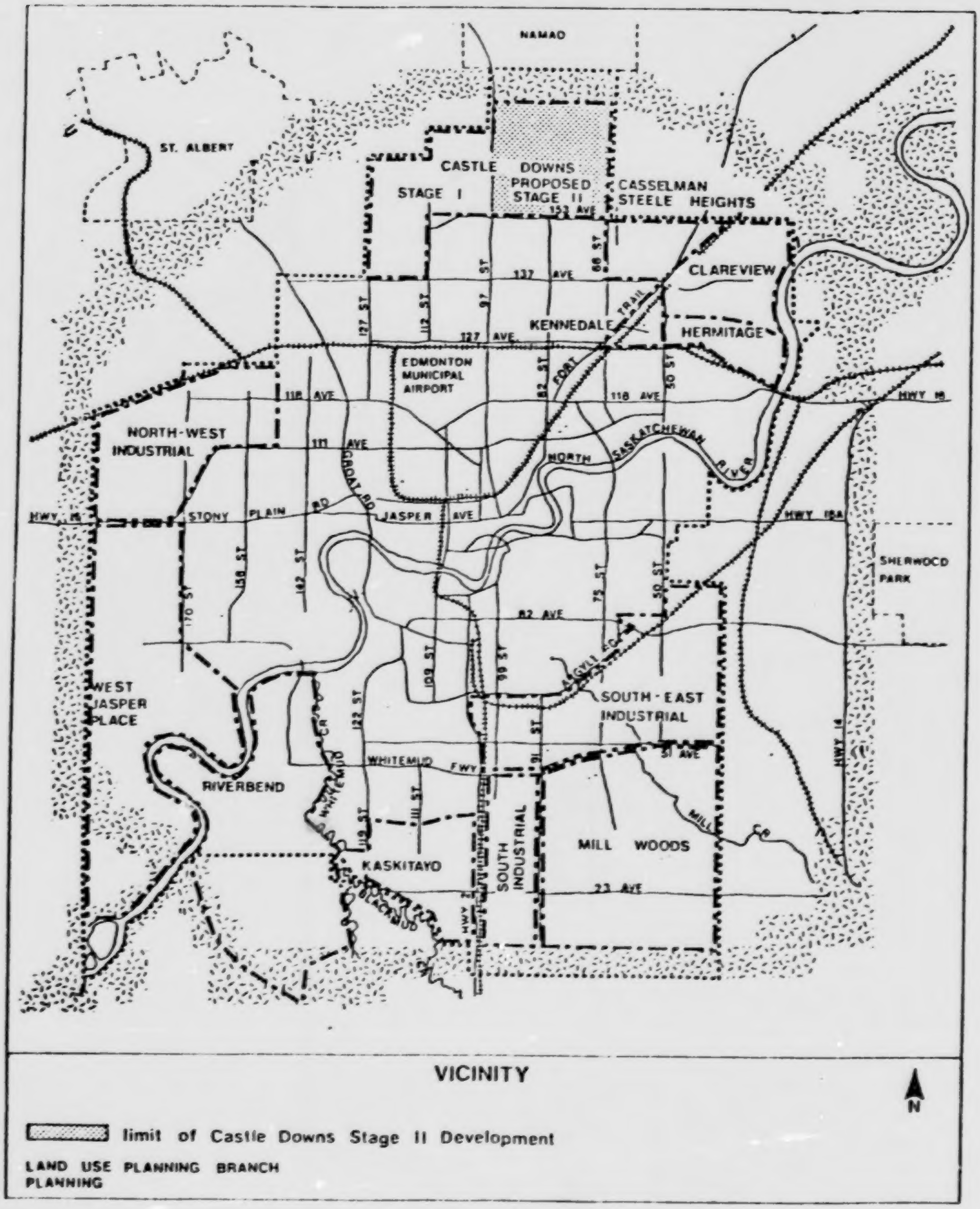
June	7	1979	City Council Bylaw to Adopt Edmonton North Area Structure Plan (Bylaw 5739) First and Second Reading Given
Aug.	15	1979	City Council Bylaw to Adopt Edmonton North Area Structure Plan (Bylaw 5739) Third Reading and Final Approval Given

APPENDIX 8-A



8. CASTLE DOWNS STAGE II

APPENDIX 8-B

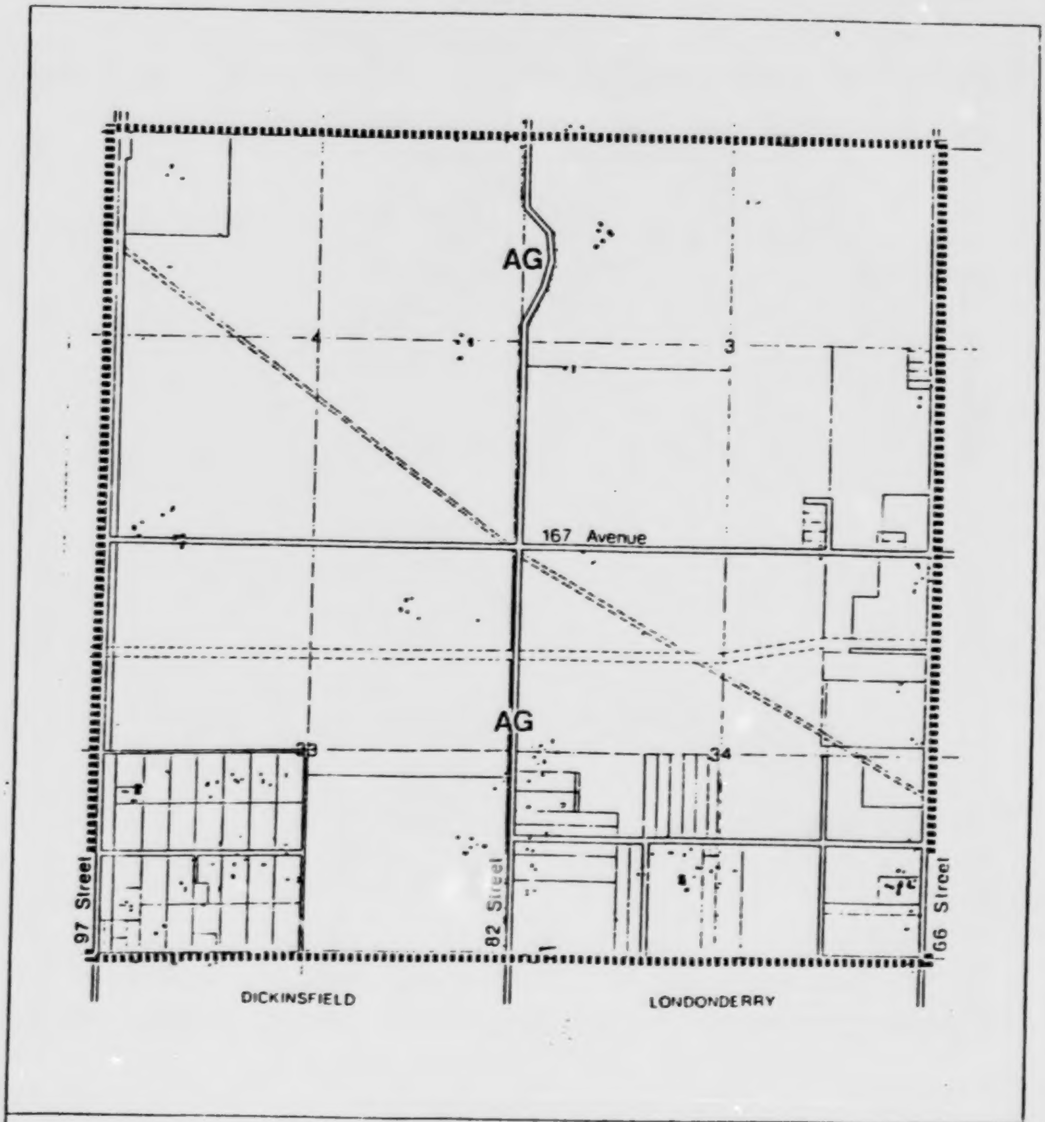

NAMAO
ST. ALBERT
CASTLE DOWNS
STAGE I
PROPOSED
STAGE II
CASSELMAN
STEELE HEIGHTS
153 AVE
137 AVE
66 ST
97 ST
CLAREVIEW
127 ST
112 ST
KENNEDALE
FORT TRAIL
HERMITAGE
127 AVE
EDMONTON
MUNICIPAL
AIRPORT
82 ST
50 ST
118 AVE
118 AVE
HWY 16
NORTH-WEST
INDUSTRIAL
111 AVE
GROAT RD
NORTH SASKATCHEWAN RIVER
HWY 16
STONY PLAIN RD
JASPER AVE
HWY 16A
SHERWOOD
PARK
170 ST
156 ST
142 ST
75 ST
50 ST
82 AVE
WEST
JASPER
PLACE
122 ST
109 ST
99 ST
ARGYLL RD
SOUTH-EAST
INDUSTRIAL
WHITEMUD CR
WHITEMUD FWY
91 ST
51 AVE
HWY 14
RIVERBEND
111 ST
MILL CR
119 ST
MILL WOODS
KASKITAYO
SOUTH
INDUSTRIAL
BLACKMUD
HWY 2
23 AVE
N

VICINITY

▨ limit of Castle Downs Stage II Development

LAND USE PLANNING BRANCH
PLANNING

APPENDIX 8-C


AG
4
3
167 Avenue
AG
33
34
97 Street
82 Street
66 Street
DICKINSFIELD
LONDONDERRY

EXISTING LAND USE

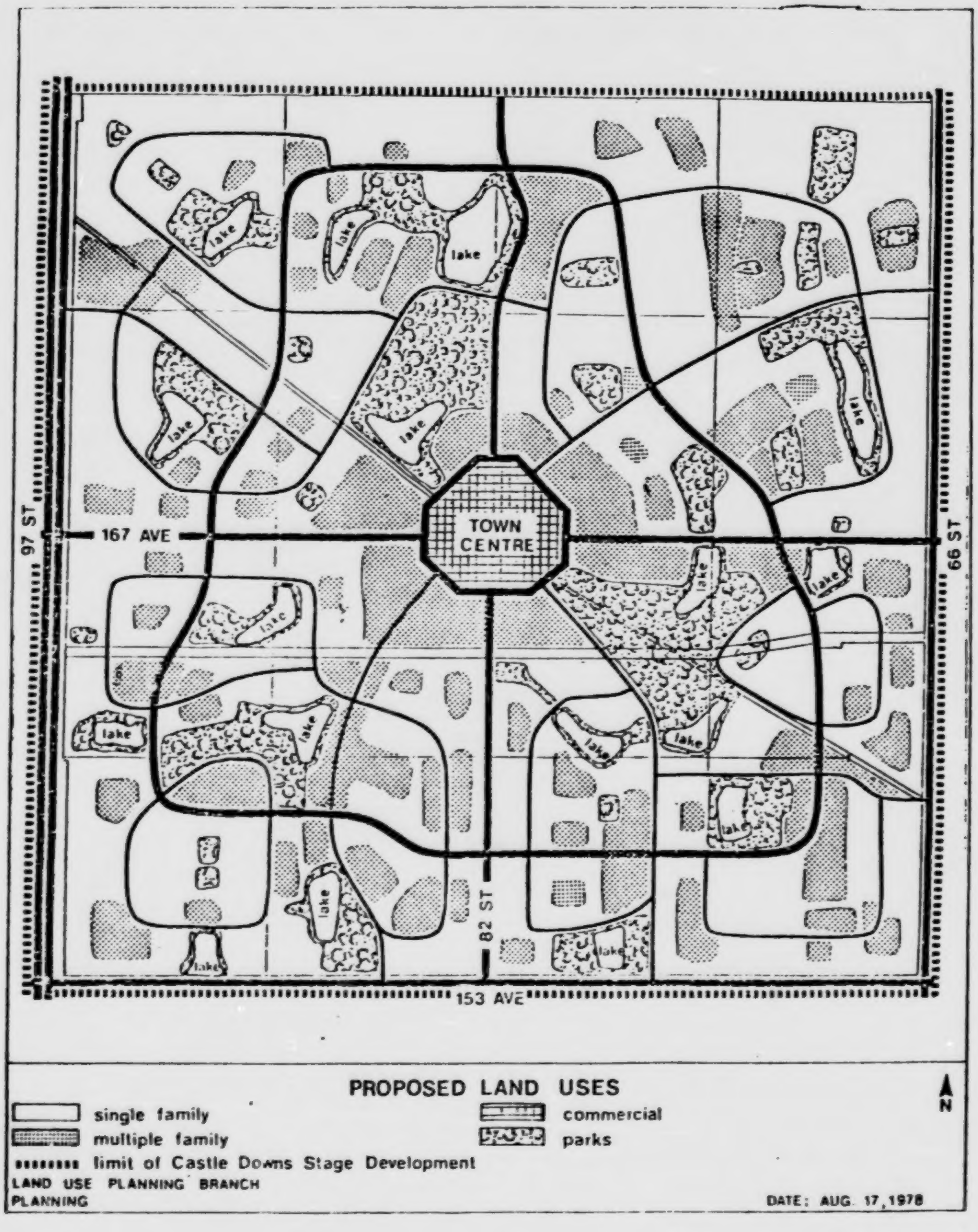
N

▪▪▪▪▪▪▪▪ limit of Edmonton North Area Structure Plan

LAND USE PLANNING BRANCH
PLANNING

DATE MARCH 15,1979

APPENDIX 8-D


TOWN CENTRE
97 ST
167 AVE
66 ST
82 ST
153 AVE
lake
N

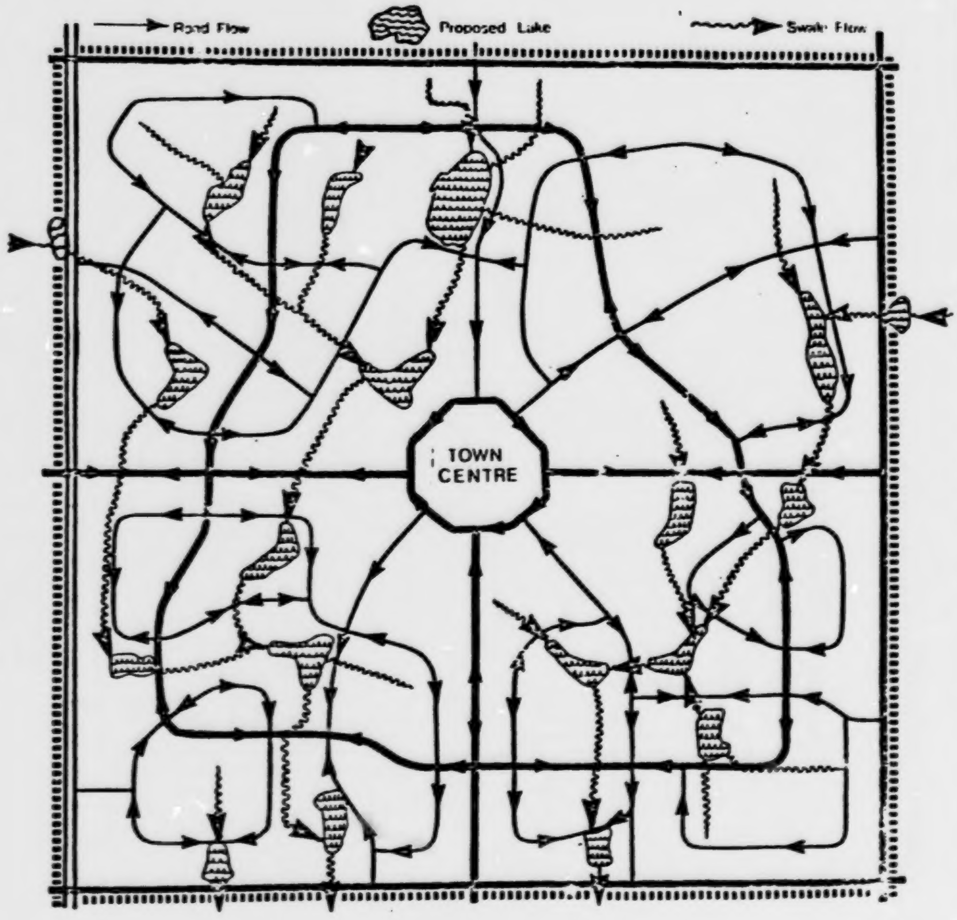
PROPOSED LAND USES

- ☐ single family
- ▨ multiple family
- ▦ commercial
- ▩ parks
- ▪▪▪▪▪▪▪▪ limit of Castle Downs Stage Development

LAND USE PLANNING BRANCH
PLANNING

DATE: AUG. 17, 1978

APPENDIX 8-E


Road Flow
Proposed Lake
Swale Flow
TOWN CENTRE

STORM DRAINAGE

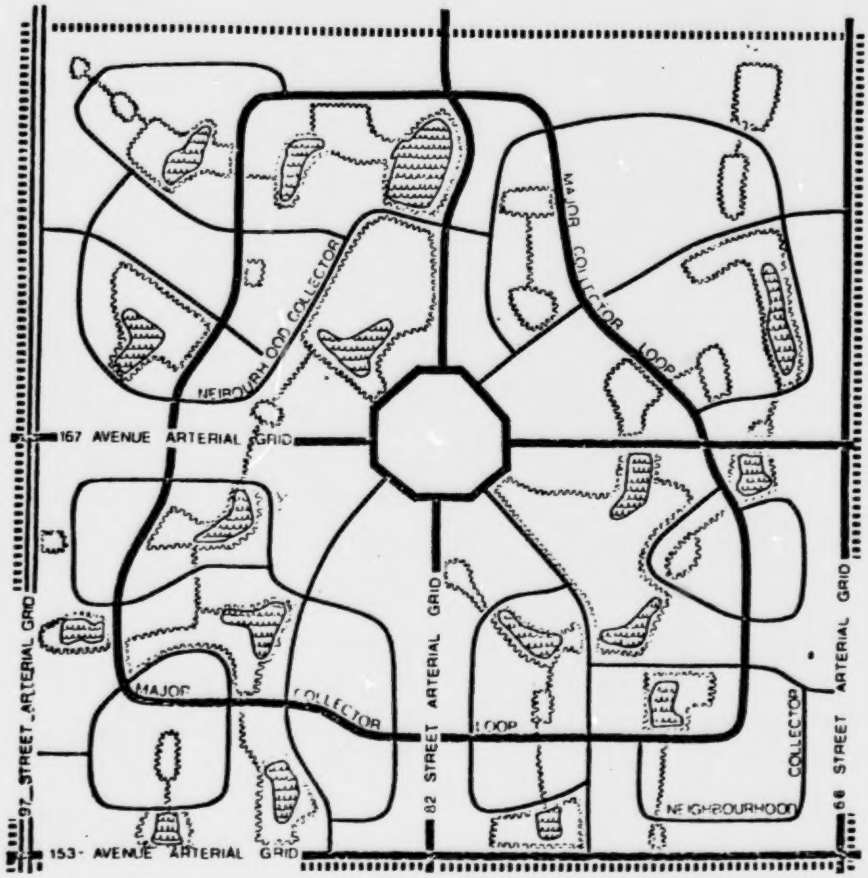
N

▪▪▪▪▪▪▪▪ limit of Castle Downs Stage II Development

LAND USE PLANNING BRANCH
PLANNING

DATE: AUG. 17, 1978

APPENDIX 8-F


167 AVENUE ARTERIAL GRID
153 AVENUE ARTERIAL GRID
97 STREET ARTERIAL GRID
82 STREET ARTERIAL GRID
66 STREET ARTERIAL GRID
MAJOR COLLECTOR LOOP
MAJOR COLLECTOR LOOP
NEIBOURHOOD COLLECTOR
NEIGHBOURHOOD COLLECTOR

ROADWAYS

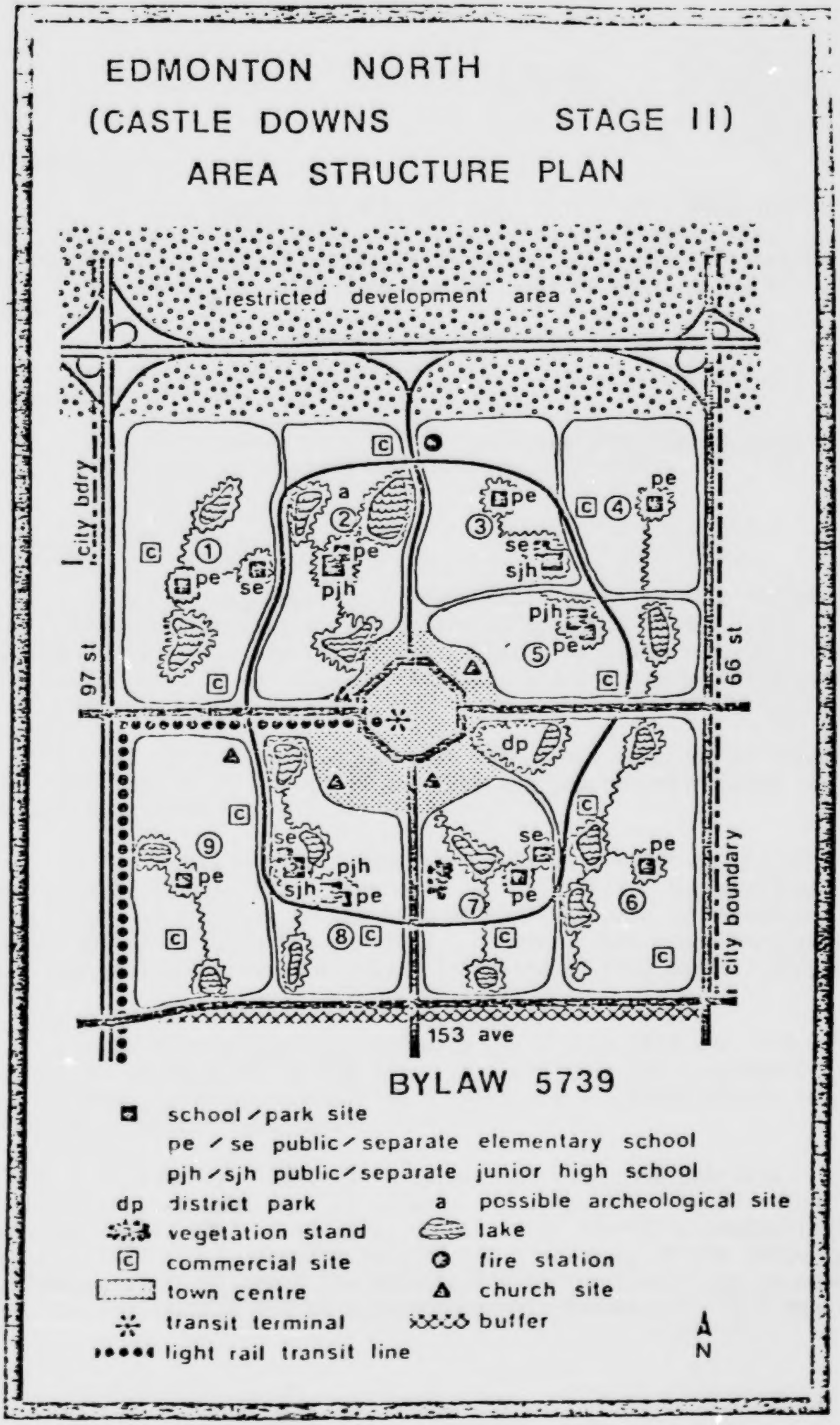
N

▪▪▪▪▪▪▪▪ limit of Castle Downs Stage II Development

LAND USE PLANNING BRANCH
PLANNING

DATE: AUG. 17, 1978

APPENDIX 8-G


EDMONTON NORTH
(CASTLE DOWNS STAGE II)
AREA STRUCTURE PLAN

BYLAW 5739

restricted development area
city bdry
97 st
66 st
city boundary
153 ave
a
dp
pe
se
pjh
sjh
①
②
③
④
⑤
⑥
⑦
⑧
⑨
■ school / park site
pe / se public / separate elementary school
pjh / sjh public / separate junior high school
dp district park
a possible archeological site
vegetation stand
lake
C commercial site
● fire station
town centre
▲ church site
transit terminal
buffer
●●●●● light rail transit line
N

CASE STUDY 9: CITY LUMBER REZONING

9.1 Introduction

The City Lumber property was the subject of a Rezoning application to a C-2 category. Expropriation proceedings for roadway development were closely intertwined with this application. The 25 acre parcel is located on a major traffic route in west Edmonton.

9.2 Findings

The City Lumber case study involves a complicated interrelationship of expropriation and rezoning proposals.

9.2.1 Process

The Planning Department files indicate the public release of a Transportation report by the City of Edmonton in May, 1971, had implications for the City Lumber site. The landowners objected in a letter sent to the Mayor of Edmonton and the Provincial Minister of Highways in August 1971.

The first direct impact upon the owners occurred in November 1971 when the Zoning Branch of the Planning Department refused to grant a development permit for the site.

The landowners subsequently submitted a brief to the West Jasper Place Outline Plan Amendment in April 1972. The earliest file record of a desire on the part of the landowner to rezone the parcel to C-2 is dated October 1973. However, this document claims that the desire to rezone had been indicated at some earlier unspecified time.

The bulk of the file evidence deals with 1977 and 1978 activities in relation to the site. By this time the landowners had engaged a planning consulting firm to prepare alternatives for the transportation requirements.

In January, 1977, the City decided to pursue the land acquisition programme for 170 Street. By June, 1977 the Planning Department felt that it would be necessary to resort to expropriation. In July, 1977 the landowners applied for a rezoning of the property to Commercial (C-2) use. The Municipal Planning Commission recommended that the application not be supported at its December 8, 1977 meeting.

City Council authorized expropriation proceedings on February 14, 1978. Throughout the spring of 1978 the City and the landowner undertook negotiations for rezoning and met on at least two occasions. By August 1978 the expropriation hearing had been scheduled for September. Upon Court appeal in the fall of 1978, the expropriation was quashed and a second hearing held in November 1978, at which time the City's case was upheld.

A rezoning agreement was reached in May 1979. City Council passed the Amending Bylaw (5989) and approved a Development Agreement at its meeting of October 16, 1979.

9.2.2 Delays

Because of the peculiar exigencies of this case, the assignment of delays is difficult. From the City's viewpoint, the acquisition of land for transportation requirements was delayed at least 14 months through expropriation proceedings.

From the landowner/developer's point of view, his development rights were severely restricted by the transportation land use strategy and accordingly land values were also affected.

9.2.3 Causes of Delays

The major cause of the delay was due to the coincidence of the applicant's desire to rezone and the City's needs for a portion of the applicant's land for road widening, and the failure of the two parties to come to a quick agreement on a compromise solution.

9.2.4 Regulations and the Application of Regulations

The City has the potential to resort to powerful regulatory measures (expropriation) in order to achieve its land use objectives. However, these measures are implemented through "due process" and delays as a result of such "due process" are intended to protect the interests of the landowner.

The landowner attempted to use the land use regulations (rezoning) in order to enhance the value of this site.

9.3 Summary and Conclusion

9.3.1 Summary of Findings

The Planning Department files indicate that the City's intentions for acquisition of the City Lumber site were made in advance of the landowner's application to rezone and thereby enhance the economic value of the site.

9.3.1.1 The landowner made several objections to Transportation proposals, including participation in the amendment to the West Jasper Place District Outline Plan, even though the site was outside the Plan boundary.

9.3.1.2 The landowner attempted to delay the expropriation hearings as much as possible.

9.3.2 Conclusion

The Municipal Government has the potential to evoke powerful regulatory measures (expropriation by "due process") in order to achieve its land use objectives.

Costs of Delay

Land in the City Lumber project was appraised in 1979 at a variety of values reflecting zoning and location of the land. Three and one half acres was appraised at $750,000 per acre; nine and three eighth acres were appraised at $280,000 per acre; and twelve and one half acres were appraised at $160,000 per acre. The project encompassed a total of 25 acres with the total appraised value being $7,000,000. Cost of funds to developers can be estimated at 10 per cent prime rate plus a two per cent risk premium for a total of 12 per cent. Total of the administrative and council delay of the project was 14 months. Delaying receipt of $7,000,000 for 14 months involves a dollar cost of $980,000.

9.4 Chronology of Significant Events

May 21 1971 City Administration
Public Release of Transportation Report

- implications for the 170 Street and Highway 16 intersection (City Lumber site is immediately south-west of this intersection)

Aug. 13 1971 City Lumber
Letters to Mayor and Minister of Highways

- lodges complaint over Jasper Freeway alignment: would destroy City Lumber as a business and its property value, as well as other retail businesses in its path.

Nov. 1971 City Zoning Branch
Refuses Development Permit (City Lumber land needed for freeway)

Apr. 10 1972 City Council
Hears Submission from City Lumber

- requests consideration of alternate routes for freeway
- expresses concern for other businesses on proposed route

Oct. 23 1973 City Lumber
Letter to Mayor

- reiterates desire to Rezone property to C-2
- comments on Co-op and Collingwood shopping centre sites as inferior to City Lumber site.

Dec. 1975 City Lumber
Requests Alternative Alignments for 100 Avenue

Jan. 11 1976 City Council
Concurred in Transportation Planning Department Report

- that the City proceed with the acquisition of the property required for the completion of the remaining portion of the truck route on 170 Street from approximately 93 Avenue to 101 Avenue

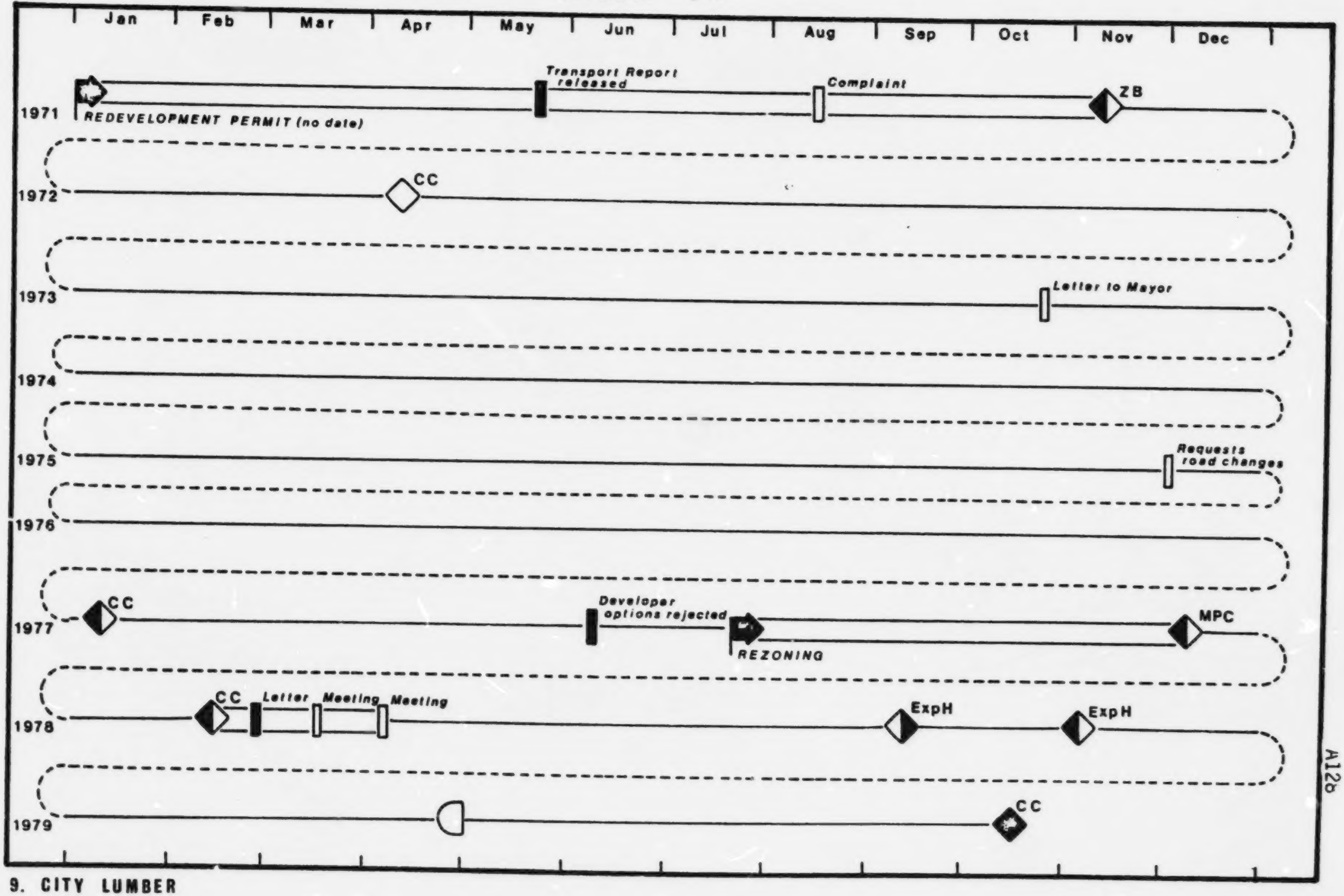
June 8 1977 General Manager, Planning Department Memo to Commissioner of Public Affairs
Rejects Developer's Consultant's Options

- necessary to commence expropriation

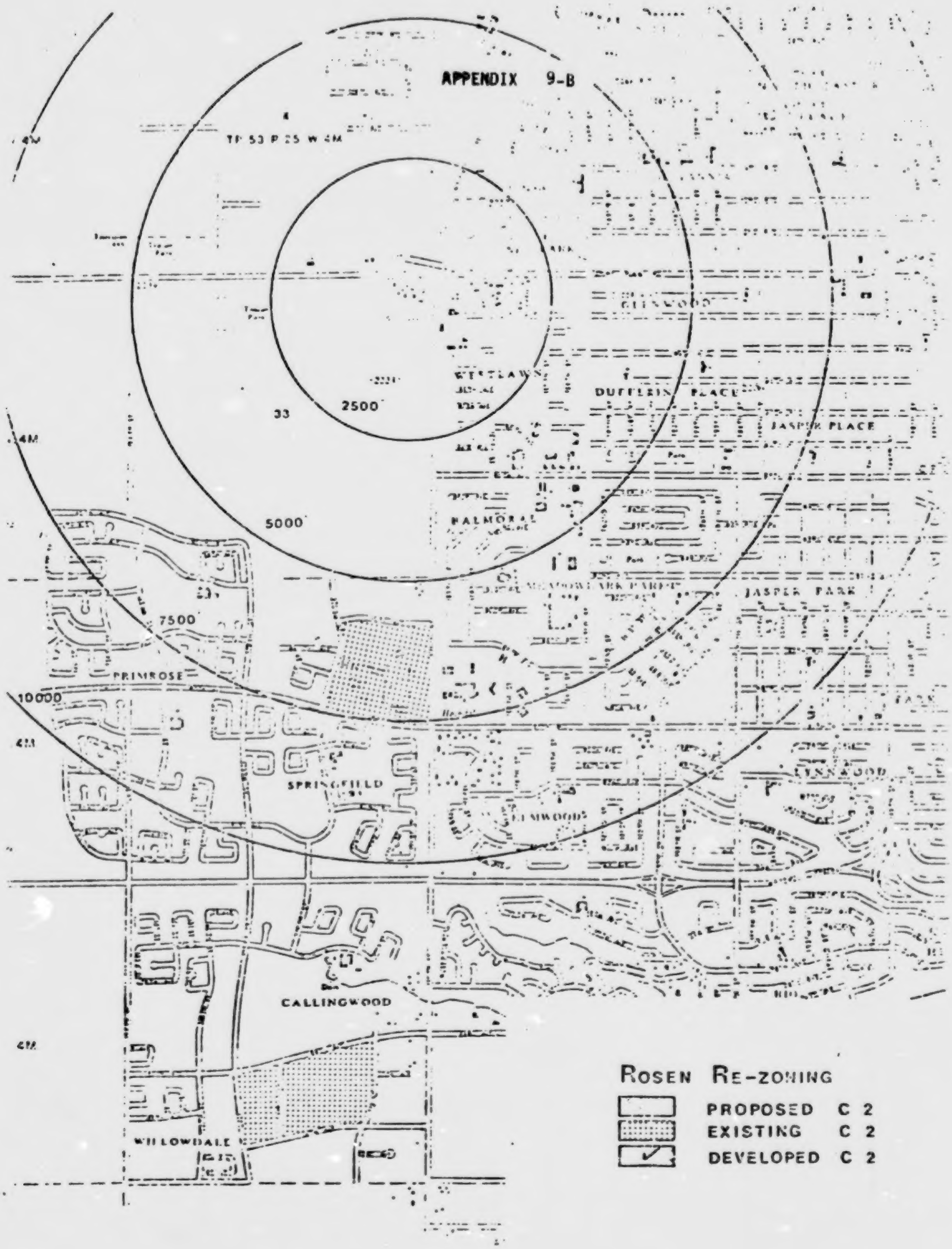
June	13	1977	Manager, Development Planning, Planning Department Memo to General Manager, Planning Department - road expropriation to be dealt with separately - desire to avoid shopping centre development for City Lumber site
July	22	1977	City Lumber Submits Rezoning Application to Rezone from AG to C-2
July	25	1977	City Zoning Branch Circulates Rezoning Application
Aug.	4	1977	A/Director, Subdivision Planning Branch Objects to Application - present proliferation of developed and proposed C-2 development (i.e., Centennial, Meadowlark, Westgate Co-op, West Jasper Place Town Centre) - possible complication of City's attempts to obtain road widening for 170 Street, and the right-of-way for the proposed 100 Avenue freeway - provision of insufficient information with the intended nature of the proposed C-2 development (detailed site plans, landscaping plans, architectural renderings, etc.) - possible conflict with essentially a highway commercial area - the application is generally premature
Dec.	8	1977	Municipal Planning Commission Proposal Not Supported
Feb.	14	1978	City Council Authorizes Expropriation Procedure
Feb.	22	1978	City Planning Department Prepares Report on Rezoning Application
Feb.	27	1978	Chief Commissioner Letter to Developer's Lawyer - indicates willingness to avoid expropriation - indicates that the Planning Department would Entertain M-1 or C-8 Zoning
Feb.	28	1978	General Manager, Planning Letter to Commissioner of Public Affairs - CD-1 Zoning preferred (with C-8 type uses)

Mar.	17	1978	Developer/City Meeting (Rezoning Negotiations)
Apr.	6	1978	Developer/City Meeting (Rezoning Negotiations)
Aug.	9	1978	City Law Department Memo to Planning Department, Transportation Planning Branch, and Real Estate & Housing - expropriation hearing set for September 12 and 13
Sept.	13	1978	Expropriation Hearing Expropriation Quashed - time limits had been irregular
Nov.		1978	Second Expropriation Hearing City's Case Upheld
May	1	1979	City-City Lumber Zoning Agreement Reached - CD-1 on Lot 4; M-1 on Lots 1, 2 and 3 - development agreement negotiation begun (Developer Interview Note: Lots 5, 6, 7 & 8 were subject of an agreement to leave them idle for one year pending future of McKinnon Freeway; if freeway approved, this land will be required for roadway widening)
Oct.	16	1979	City Council Bylaw 5989 Amending Zoning Bylaw Third Reading Given and Development Agreement Approved

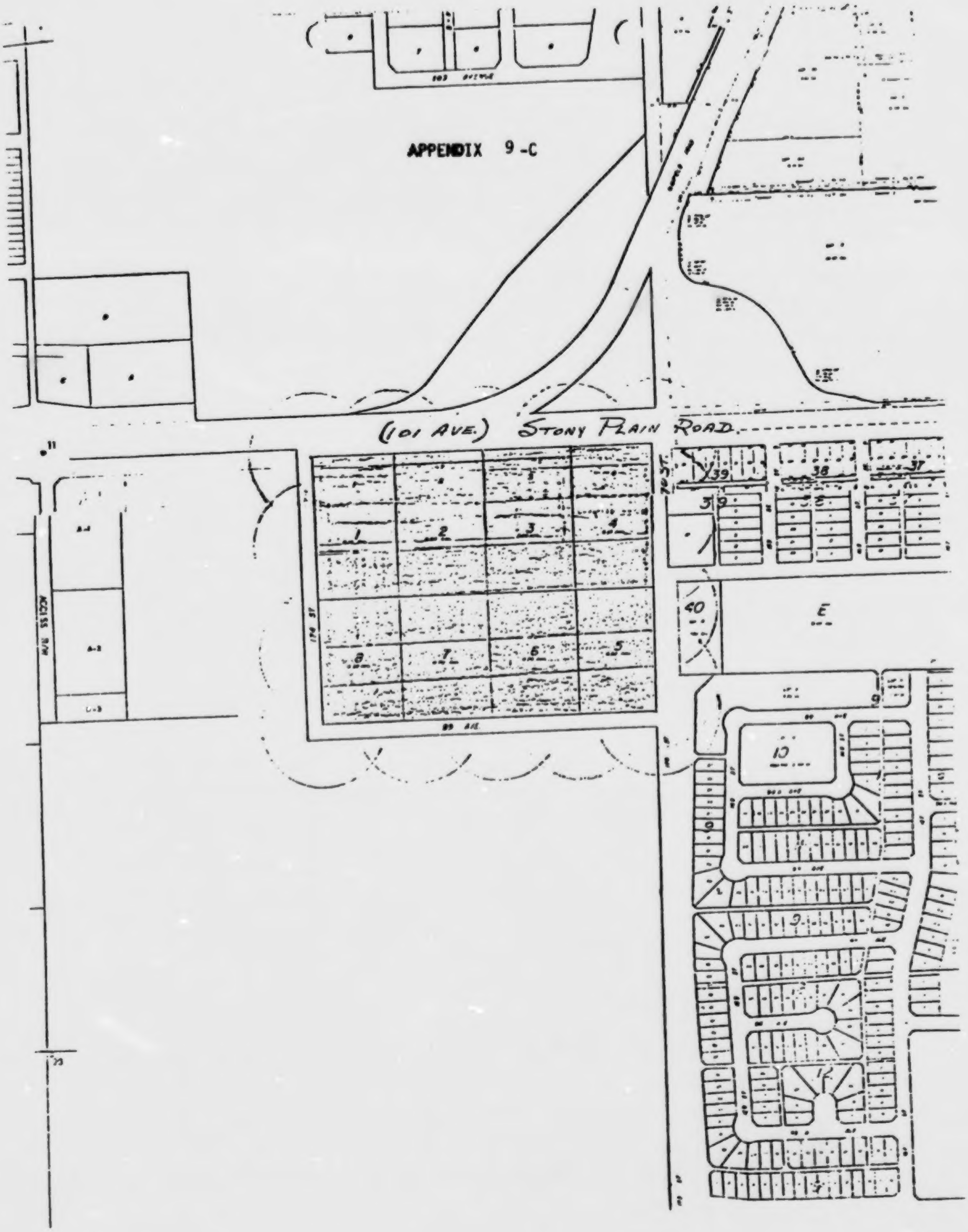
APPENDIX 9-A



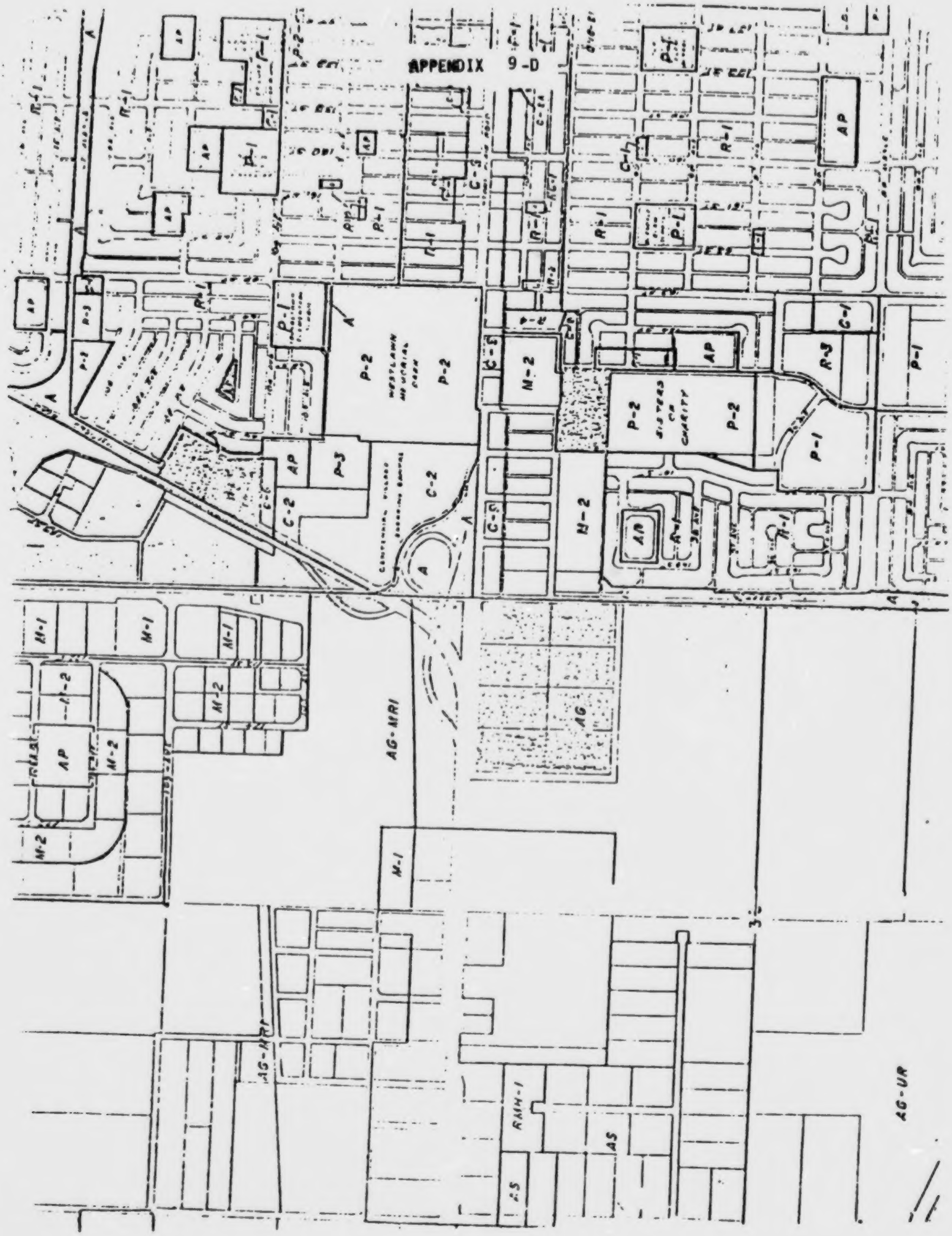
9. CITY LUMBER


APPENDIX 9-B
TP 53 R 25 W 4M
2500
5000
7500
10000
33
WESTLAWN
DUFFERIN PLACE
JASPER PLACE
GLENWOOD
BALMORAL
MEADOWLARK PARK
JASPER PARK
PRIMROSE
SPRINGFIELD
ELMWOOD
LYNNWOOD
CALLINGWOOD
WILLOWDALE
Rosen Re-zoning
PROPOSED C 2
EXISTING C 2
DEVELOPED C 2

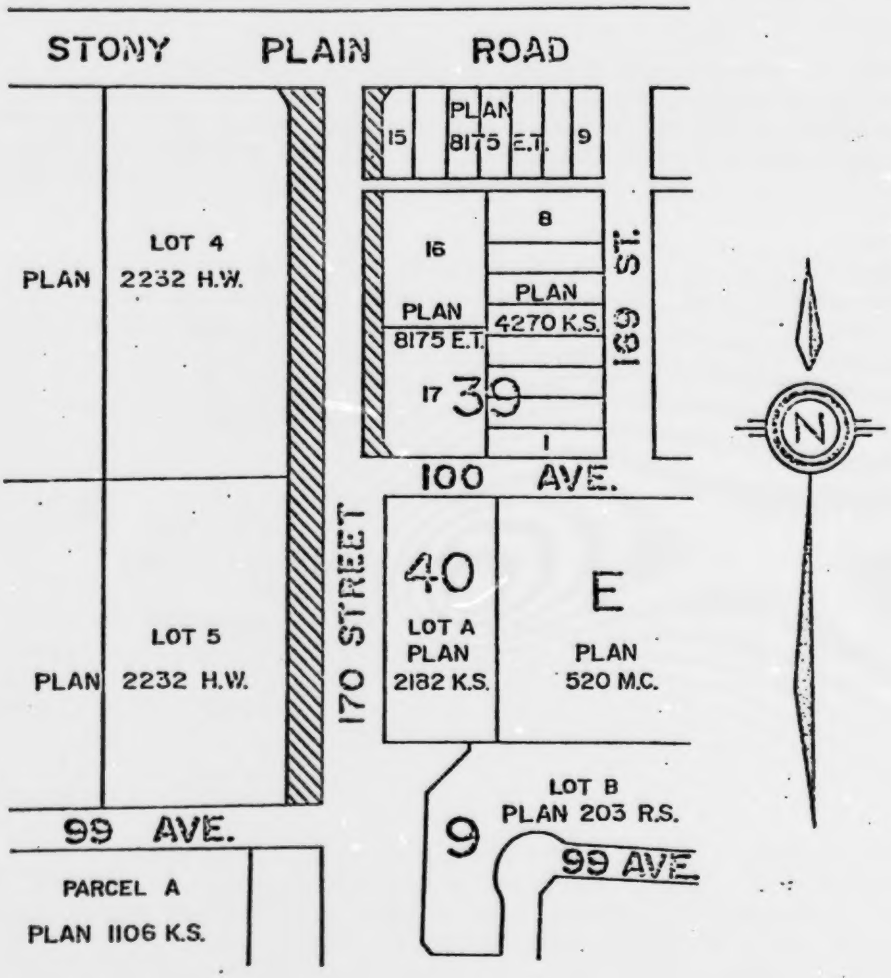
APPENDIX 9 -C


(101 AVE.) STONY PLAIN ROAD
170 ST.
174 ST
ACCESS R/W
99 AVE.
1
2
3
4
5
6
7
8
39
38
37
40
E
10

APPENDIX 9-D


AP
P-1
R-1
P-2
WESTLAWN INDUSTRIAL PARK
P-3
C-2
C-3
C-5
M-2
SISTERS OF CHARITY
R-3
C-1
A
M-1
AG
AG-MRI
AG-UR
RASH-1
AS

APPENDIX 9-E


STONY PLAIN ROAD
15
PLAN 8175 E.T.
9
8
16
PLAN 8175 E.T.
PLAN 4270 K.S.
169 ST.
17
39
1
LOT 4 PLAN 2232 H.W.
LOT 5 PLAN 2232 H.W.
100 AVE.
170 STREET
40
LOT A PLAN 2182 K.S.
E
PLAN 520 M.C.
LOT B PLAN 203 R.S.
9
99 AVE.
99 AVE.
PARCEL A PLAN 1106 K.S.
N

AREA TO BE EXPROPRIATED SHOWN ▨

CASE STUDY 10: NORTHWEST FEEDMILL (RITCHIE MILL)

10.1 Introduction

The Northwest Feedmill (Ritchie Mill) site was the historic "end of steel" terminus of the railroad in the pioneering days of Edmonton. The redevelopment of the site involved area residents who lobbied through the Old Strathcona Foundation to preserve the comparatively ancient feedmill building.

The site consists of 2.8 acres of land, including the site of the mill. The developer sought and received approval to construct a 20-storey apartment building, parking garage, town houses, and small retail commercial area under a CD-1 rezoning. The CD-1 designation allows for comprehensive development on the basis of the particular merits of the site. The regulations are detailed in Section 35 of the Zoning Bylaw (No. 2135).

10.2 Findings

The Ritchie Mill site had been a subject of redevelopment discussion since January 1978 when the province considered the merits of declaring Historic Site status for the Mill. The present developer acquired the property in August 1978 and halted the demolition application procedure initiated by the previous owner.

10.2.1 Process

Essentially three different approval tasks were necessary before the development could have been undertaken. In order to consolidate the building lots, a lane closure was requested. The second procedure involved a rezoning application in order to acquire CD-1 designation of the site. Thirdly, a subdivision was required in order to define the site of the historical resource and allow for the widening of Saskatchewan Drive.

The sequence of application was Lane Closure, CD-1 rezoning, and Subdivision by Plan. The approval sequence was Lane Closure (22 February, 1979), Rezoning and Subdivision (12 July, 1979).

Area residents were involved early in the process through the Old Strathcona Foundation, which was a party to a formal agreement between the City and the developer.

10.2.2 Delays and 10.2.3 Causes of Delays

There is no evidence of any undue delay in any one of the approval procedures.

10.2.4 Regulations and the Application of Regulations

Area resident concern and involvement in the redevelopment of the Strathcona neighbourhood in general and the preservation of the "Ritchie Mill" in particular resulted in lobbying to both Municipal and Provincial levels of government by the Old Strathcona Foundation. The success of this lobbying, which involved negotiations with the developer, resulted in the application of yet another set of land use constraints on a portion of the site. However, because the negotiations between the developer, residents and governments reached a successful compromise, the negative impact of these additional statutory constraints is non-existent.

10.3 Summary and Conclusion

10.3.1 Summary of Findings

Essentially three approval tasks were undertaken.

10.3.1.1 A lane closure was processed and approved by the Municipal Planning Commission in order to consolidate the building parcel.

10.3.1.2 A CD-1 rezoning application was sought to acquire benefits of a comprehensive development site.

10.3.1.3 A subdivision by Plan was processed for roadway widening and definition of the site for the historical resource.

10.3.1.4 Area residents actively participated through the Old Strathcona Foundation.

10.3.1.5 There is no evidence of any undue delays.

10.3.2 Conclusion

Through negotiation and organized participation, area residents can have an effective role to play in the redevelopment of sites in inner city neighbourhoods and the preservation of historical architectural resources.

This community participation process, according to the developer interview resulted in a project that was aesthetically superior but with less efficient floor space. Construction costs were increased from $29.50 per square foot to $38.00 per square foot. This resulted in total construction costs being $8.5 million rather than $6 million. Since time of writing the project has not yet been rented and it is not clear whether the aesthetic improvements will permit rent increases sufficient to offset these additional costs.

Costs of Delay

As outlined above, the increase in construction costs from $29.50 per square foot to $38.00 per square foot resulted in an overall increase in construction costs of $2,500,000.

10.4 Chronolgy of Significant Events

Aug. 1978 Developer
Acquires Site

- halts demolition application of previous owner
- enters into negotiations with City and Old Strathcona Foundation

Jan. 1979 Developer/City/Old Strathcona Foundation
Sign Formal Agreement

- allows high density development incorporating the preservation of the historic Ritchie Mill

Feb. 22 1979 Municipal Planning Commission
Lane Closure Approved

- consolidates building parcel (see Appendix F)

Apr. 23 1979 Developer
Submits Application for CD-1 Zoning

- see Appendix C

May 1979 Alberta Culture and Historic Resources
Declares Ritchie Mill an Historic Resource

- provisions of the Historic Resources Act apply

May 28 1979 Developer
Applies for Subdivision by Plan

- 60-day statutory maximum time limit

June 18 1979 Developer
Open House Display

- models and plans shown to area residents
- few adverse comments

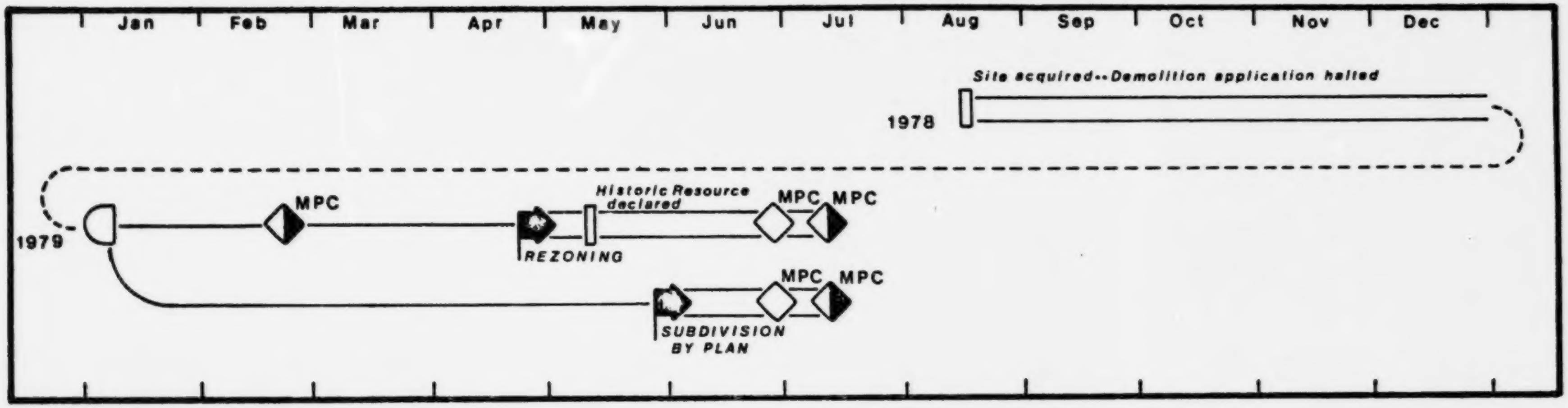
June 28 1979 Municipal Planning Commission
CD-1 Rezoning Application
Tabled

- Land Use Planning Branch gives conditional support of application
- traffic circulation issues raised and further information requested

July 12 1979 Municipal Planning Commission
Conditional Approval of CD-1 Rezoning, Subdivision by Plan, and Additional Lane Closure

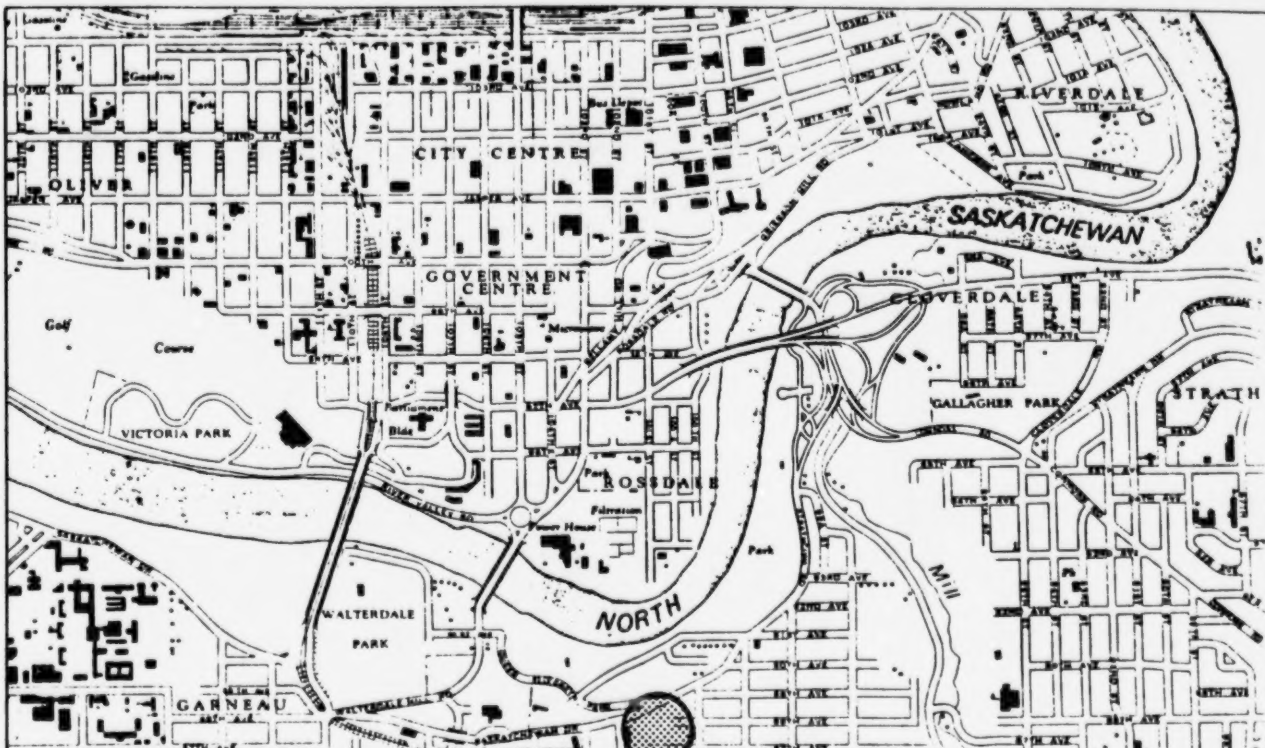
- future circulation plan revealed (Appendix H)
- subdivision within the sixty day maximum time frame

APPENDIX 10-A



10. NORTHWEST FEEDMILL

APPENDIX 10-B


OLIVER
CITY CENTRE
RIVERDALE
SASKATCHEWAN
GOVERNMENT CENTRE
CLOVERDALE
Golf
Course
GALLAGHER PARK
STRATH
VICTORIA PARK
Parliament Bldg
ROSSDALE
Power House
Park
NORTH
Mill
WALTERDALE PARK
GARNEAU
CAN PAC
DND
KING EDWARD
RUTHERFORD PARK
STRATHCONA
Hospital
BONNIE DOON
QUEEN ALEXANDRA
McKERNAN
RICHMOND PARK
BEAU PARK
PARKDALE
SOUTH SIDE
INDUSTRIAL
PARKALLEN
MARTIN ESTATE
HAZELDEAN
ARGYLL
N

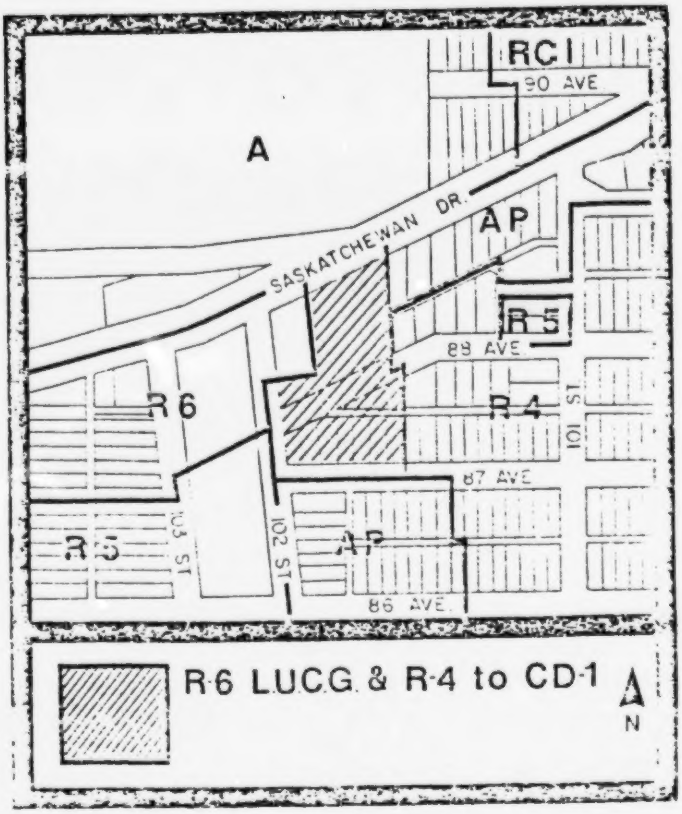
VICINITY

▨ location of subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 79-X-062-S

APPENDIX 10-C


RCI
90 AVE
A
SASKATCHEWAN DR.
AP
R 5
89 AVE
R 6
R 4
101 ST
87 AVE
R 5
103 ST
102 ST
AP
86 AVE
R-6 L.U.C.G. & R-4 to CD-1
N

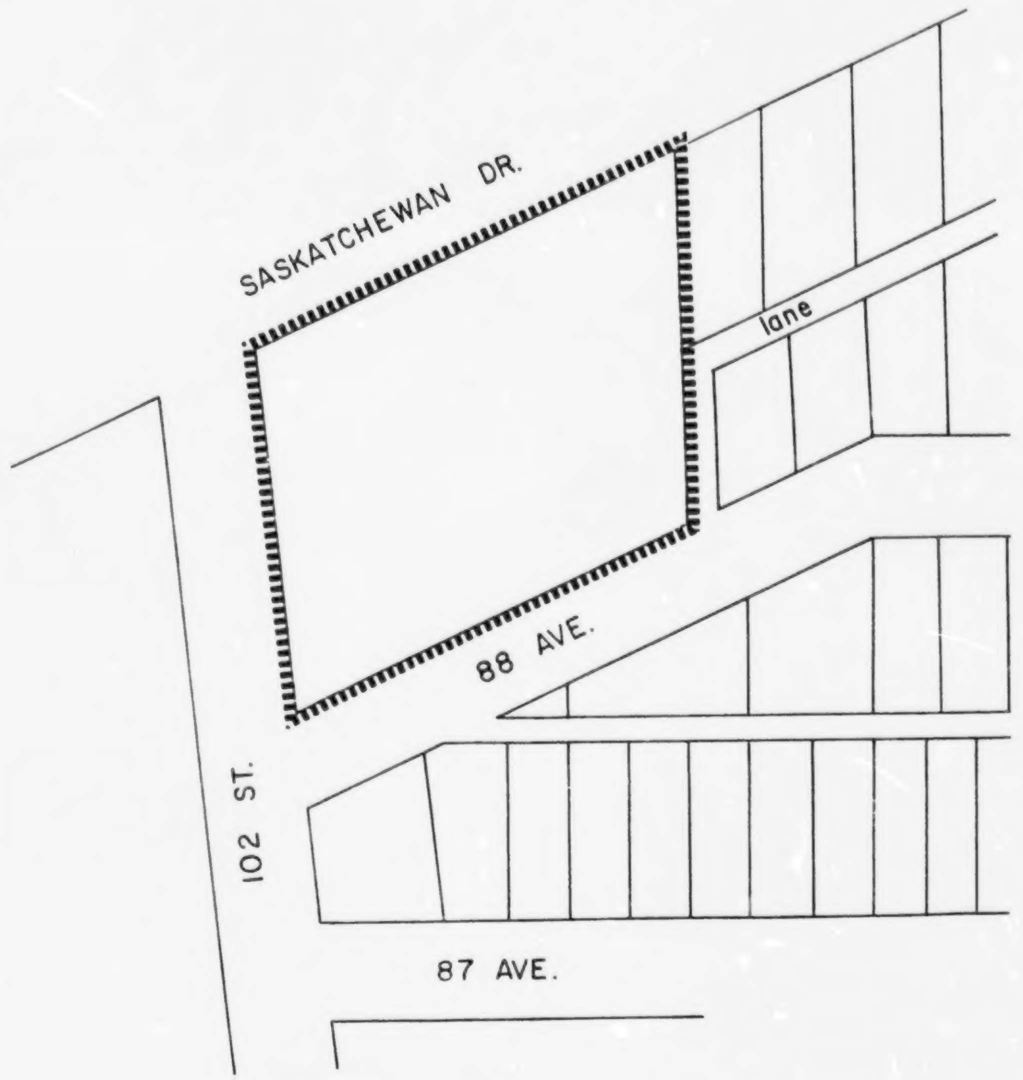
PROPOSED REZONING

▭ limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO.
DATE

APPENDIX 10-D


SASKATCHEWAN DR.
lane
88 AVE.
102 ST.
87 AVE.

EXISTING SUBDIVISION

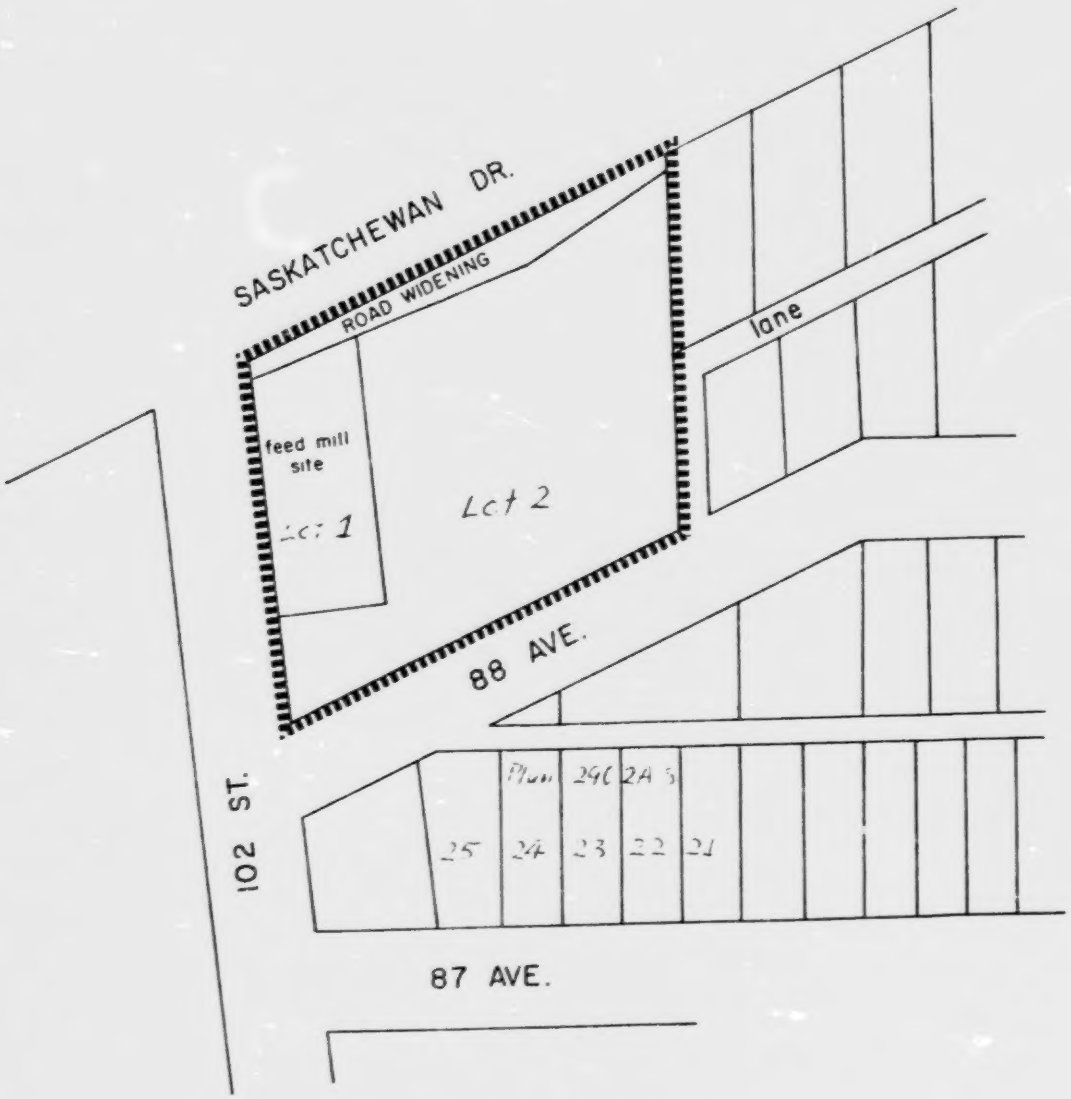
N

▪▪▪▪▪▪▪▪ limit of existing subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 79-X-062-S

APPENDIX 10-E


SASKATCHEWAN DR.
ROAD WIDENING
lane
feed mill site
Lot 1
Lot 2
88 AVE.
102 ST.
Plan 296 2A 5
25
24
23
22
21
87 AVE.

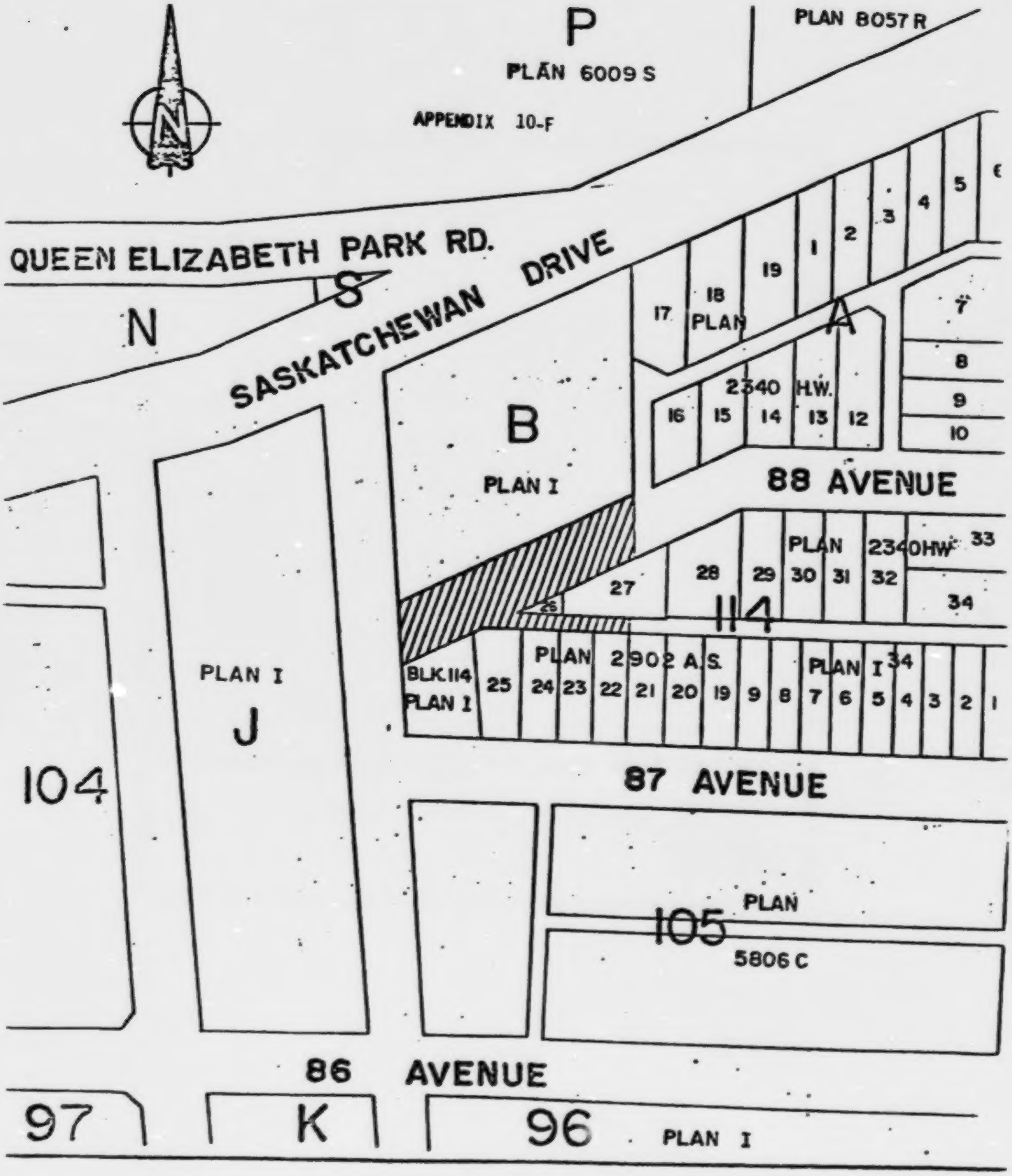
PROPOSED SUBDIVISION

N

▪▪▪▪▪▪▪▪ limit of proposed subdivision

FILE NO. 79-X-062-S

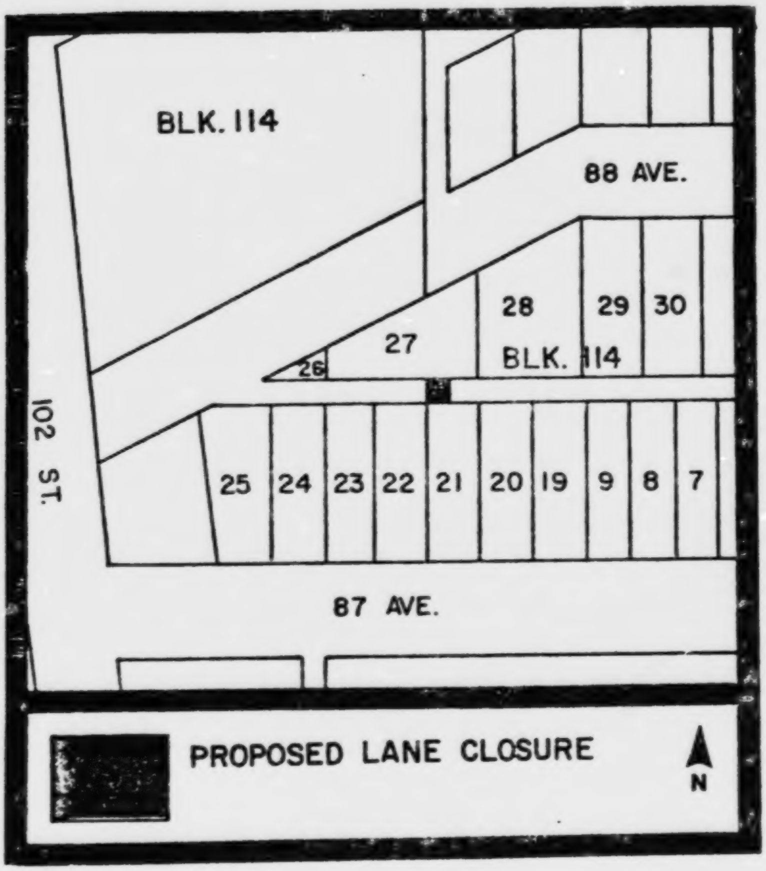
LAND USE PLANNING BRANCH
PLANNING


P
PLAN 6009 S
APPENDIX 10-F
PLAN 8057 R
QUEEN ELIZABETH PARK RD.
SASKATCHEWAN DRIVE
N
S
B
PLAN I
A
PLAN
2340 H.W.
88 AVENUE
PLAN 2340HW
114
PLAN 2902 A.S.
PLAN I
BLK.114 PLAN I
PLAN I
J
104
87 AVENUE
105
PLAN
5806 C
86 AVENUE
97
K
96
PLAN I

PROPOSED CLOSURE AS SHOWN ▨

File LC 74-6   M.P.C supported on Feb. 22/74

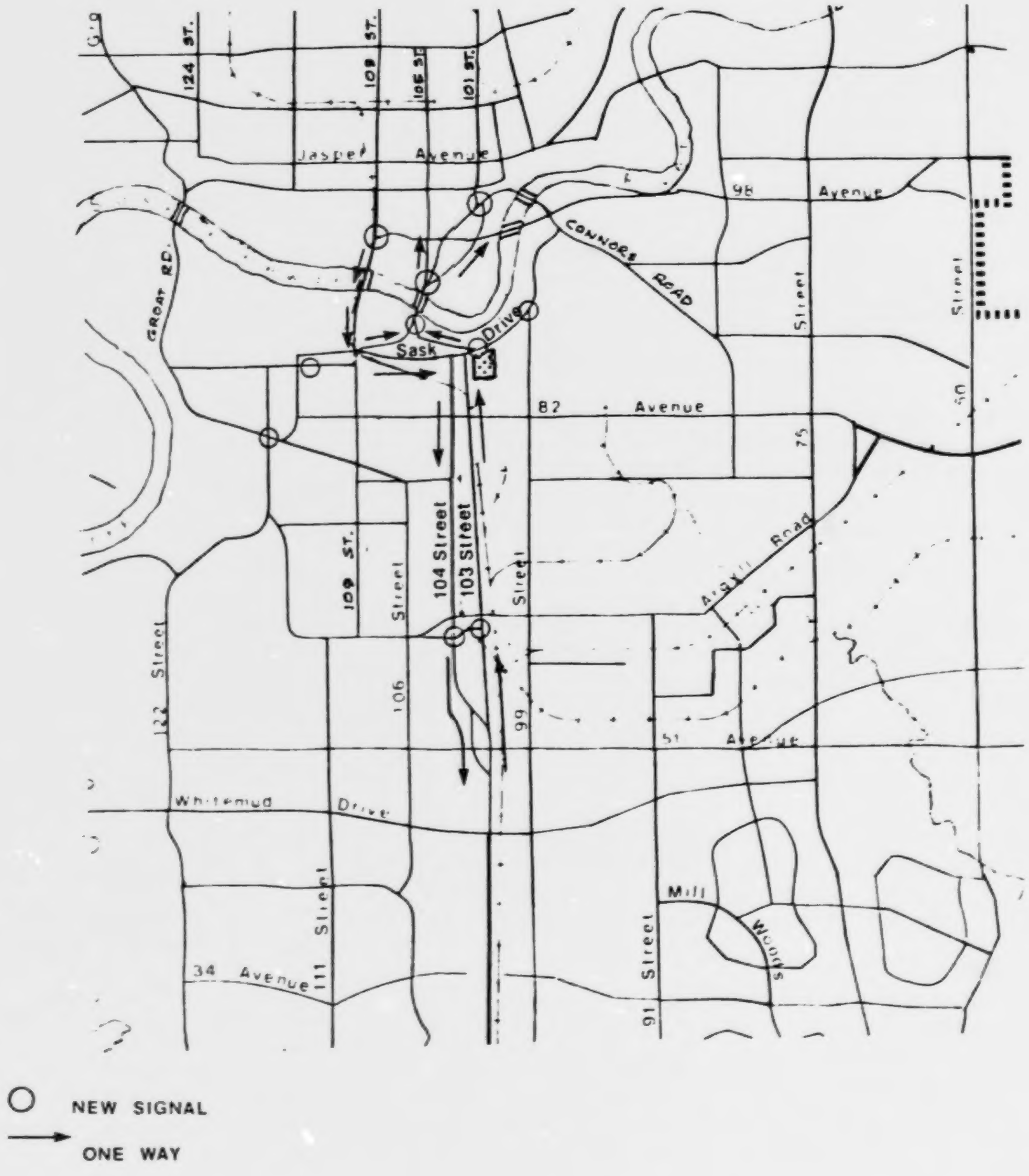
APPENDIX 10-G


BLK. 114
88 AVE.
28
29
30
27
26
BLK. 114
102 ST.
25
24
23
22
21
20
19
9
8
7
87 AVE.
PROPOSED LANE CLOSURE
N

PROPOSED CLOSURE

LAND USE PLANNING BRANCH
PLANNING

FILE NO 79-X-062-S


124 ST.
109 ST.
106 ST.
101 ST.
Jasper Avenue
98 Avenue
CONNORS ROAD
GROAT RD.
Sask Drive
82 Avenue
75 Street
50 Street
Argyll Road
109 ST.
106 Street
104 Street
103 Street
99 Street
122 Street
51 Avenue
Whitemud Drive
111 Street
34 Avenue
91 Street
Mill Woods
NEW SIGNAL
ONE WAY

ARTERIAL ROADWAY CIRCULATION

N

▨ limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO. ZB/79-64
DATE JULY 12/79

CASE STUDY 11: CALLINGWOOD TOWN CENTRE

11.1 Introduction

This case study examines the application by 110974 Holdings Ltd. (Garrybrook Properties) to rezone a 46 acre parcel of land in the Callingwood neighbourhood of West Jasper Place from C-2 (Commercial Shopping Centre) to R-3 (medium residential) and the subsequent Subdivision of this parcel to proceed with development.

The application was processed throughout the latter half of 1978 and the first half of 1979. Considerable opposition to the proposal was voiced by area residents and the development industry active in the City's West End.

11.2 Findings

The application by Garrybrook Properties, Ltd. for the development of the Callingwood Town Centre involved a Rezoning approval as well as a Subdivision by Plan. There was no Neighbourhood Plan for the Callingwood area.

11.2.1 Process

Through meetings, the Land Use Planning Branch undertook processing of the Rezoning and Subdivision applications concurrently. The Municipal Planning Commission tabled the Subdivision Plan application three months after application and refused to support the Rezoning application.

The Rezoning Bylaw (No. 5580) was prepared and presented to Council even though the Municipal Planning Commission did not support the rezoning application. According to the Planning Department interview, this action is quite common; Developers can request a hearing at Council regardless of non-support by the Municipal Planning Commission. Council placed a ceiling on the density at 1,200 dwelling units for the total site after first and second reading.

City Council scheduled a non-statutory public hearing on the Rezoning Bylaw because of strong resident and developer industry objection to the proposal. The developer interview revealed that the applicant perceived this action, including the resident objection, as a ploy organized by development industry competitors. Council gave third reading and final approval to the Rezoning in January, 1979 (see Appendix H). They also amended the Development Agreement at this time.

The revised Development Agreement gave the Planning Department authority of ruling on the architectural design and type and mix of residential accommodation. The Planning Department was also directed by Council to coordinate a citizens' committee to input and revise the plans. The Subdivision by Plan application was subsequently processed in the light of this public participation program. The Municipal Planning Commission conditionally approved the Subdivision by Plan in May 1979 (see Appendix I)

11.2.2 Delays

The total elapsed time of the processing of the Subdivision by Plan application was ten months. Extension agreement had been received in the first phase of processing when the Subdivision application was held in abeyance while the Rezoning Bylaw was considered by Council. The delay in processing the Subdivision application excluding the rezoning approval and previously sanctioned extension was four months.

11.2.3 Causes of Delays

Strong opposition to the medium density residential development originated both from the area residents and the development industry active in the area. A citizen participation program was set up to review the design of the development. The Planning Department held the Subdivision Plan in abeyance until the final design was achieved.

11.2.4 Regulations and the Application of Regulations

The political manipulation of regulations can delay the approval process. However, both the developer and the area residents lobbied the Council in order to promote their objectives. It is unlikely that there is any administrative solution to such lobbying conflicts. The existing structure of Municipal Government is responsible for the ultimate outcome.

11.3 Summary and Conclusion

11.3.1 Summary of Findings

There was no Neighbourhood Plan upon which to resolve development policy at the neighbourhood level.

11.3.1.1 City Council ignored Municipal Planning Commission recommendations against rezoning.

11.3.1.2 There was considerable opposition to the proposal from area residents and the development industry.

11.3.1.3 The overall delay in the Subdivision Process was ten months. The delay excluding the rezoning approval was four months.

11.3.2 Conclusion

This application was characterized by conflicting objectives of the developer and area residents. The structure of Municipal Government is responsible for the ultimate outcome of lobbying conflicts and as such there are likely no administrative solutions to such cases.

Costs of Delay

Although the overall delay involved was relatively short (eight months) it was long enough to cause the developer's mortgage commitment to lapse since he was unable to begin construction as required. The original mortgage commitment was for $50,000,000 at 10½ per cent for a 15 year term. By the time the approval had been processed, mortgage rates had risen substantially and the $50,000,000 was available only at 13 per cent. In the first year alone this would involve additional interest payments of $1,250,000. This discounted present value of the increased interest payments over the full term of the loan would amount to $14,620,000.

11.4 Chronology of Significant Events

Mar. 24 1969 City Council
Approves West Jasper Place Outline Plan

May 18 1972 City Council
Amends West Jasper Place Outline Plan

(N.B. There is no Neighbourhood Outline Plan for Callingwood)

July 6 1978 Developer/City
Meeting

- Planning Department agrees to undertake Subdivision and Rezoning applications concurrently
- Developer is 119074 Holdings, Ltd. (Garrybrook Properties Ltd.)

July 24 1978 Developer's Consultant
Submits Subdivision by Plan Application

- sixty day statutory maximum time limit

July 25 1978 Land Use Planning Branch
Circulates Application

- reply deadline: August 22, 1979

Oct. 6 1978 Developer's Solicitor
Letter to Planning Department

- encloses Extension Agreement extending the time for processing Subdivision application to October 27, 1978
- notes that Rezoning application will be delayed because of absence of Manager of Land Use Planning (to October 26, 1978)

Oct. 25 1978 General Manager, Stanton Developments
Letter to Secretary, Municipal Planning Commission
Objects to Rezoning Application

- letter is a formal request to represent a group of West End builders to Municipal Planning Commission meeting of Oct. 26, 1978 (21 builders represented)
- major concern is the "reluctance to buy" attitude of the buying public in single family homes in areas of extreme multi-family density
- copies of letter sent to Mayor and Aldermen

Oct. 26 1978 Municipal Planning Commission
Subdivision by Plan Application Tabled;
Rezoning Application Non-Support Recommended

- Land Use Planning recommended refusal of Subdivision and that the application for Subdivision be tabled; advised that developer redesign the development proposal
- Municipal Planning Commission tabled the application for Subdivision until Council considers rezoning application
- non-support of Rezoning based on high density and external impact on adjacent neighbourhoods

Dec. 1 1978 Developer's (Triple Five Corporation) Solicitor
Letter to the Mayor

- urges City Council to support Zoning Bylaw Amendment
- explains that their interest in the Callingwood Town Centre site is related to their attempts to develop the Westgate Shopping Centre site which is close to the Callingwood site
- attaches Petition signed by 2,550 persons who are concerned about the development of the Westgate Shopping Centre and the widening of 87 Avenue adjacent to the Centre

Dec. 13 1978 City Council
Bylaw 5580 Amending Zoning Bylaw
First and Second Reading Given

- contrary to Municipal Planning Commission non-support
- second reading amended: maximum of 1,200 dwelling units; that the commercial development be made integral to the total development on the site

Dec. 19 1978 Manager, Land Use Planning Branch
Letter to Developer's Consultant

- outlines course of action needed to schedule the Bylaw expeditiously: submit revised plan reducing number of units to 1,200; architect should include some housing and density mix

Dec. 27 1978 Commissioner of Public Affairs
Memo to Aldermen Kennedy and Olsen

- clarifies Municipal Planning Commission's position on the non-support of Rezoning--more than 600 dwelling units would have negative effects on elementary schools and on the transportation network; and the developer's argument for higher density because of inflated land values of the site should be ignored by the Municipal Planning Commission because part of the reason for the inflated values was that the land had recently changed hands a number of times resulting in what could be interpreted as a false level of value

Jan. 4 1979 Developer
Submits Revised Application for Subdivision by Plan

- revision includes reducing the number of units from 1,700 to 1,200

Jan. 11 1979 Municipal Planning Commission
Receives Report on Subdivision by Plan as Information

- Land Use Planning Branch Report
- Land Use Planning Branch will present a new set of recommendations reflective of the density approved by Council (Dec. 13, 1978)
- Report suggests the possibility of waiving the opportunity for extra reserve lands or the possibility of money in lieu for the provision of recreational amenities or open space off-site. This provision would be available for the total neighbourhood population affected by the additional population.

Jan. 23 1979 City Council
Conducts Non-Statutory Public Hearing
Zoning Amendment Bylaw (Bylaw 5580)
Third Reading Given and Development Agreement Amendment Approved

- eight persons appeared at hearing; six were opposed to the Rezoning, and two were in favour

Jan. 24 1979 Developer's Solicitor
Letter to Manager, Land Use Planning Branch
Requests Expeditious Processing of Subdivision Application

Feb. 19 1979 Manager, Land Use Planning Branch
Letter to Developer's Solicitor
Advises on Subdivision Application

- outlines procedure to coordinate a citizen's committee to input and review the plans (as directed by City Council); two stages proposed: (1) a meeting to be held to solicit citizen's ideas on the design of the project; and (2) a meeting for the citizen's to review the plan. The Planning Department will determine the ultimate submission to Municipal Planning Commission

Feb. 20 1979 Manager, Land Use Planning Branch
Letter to Developer's Solicitor
Confirms Conditions of Third Reading of Bylaw 5580

- notes reduction in density, but not citizen participation

Mar. 5 1979 Developer's Solicitor
Letter to Manager, Land Use Planning Branch
Expresses Concerns

- difference in content of two letters (Feb. 19 &20) confusing
- fails to see any justifiable reason for delaying the subdivision until the completion of the citizen involvement process--implies that the Development Agreement governs the matter and this Agreement does not include the citizen involvement process
- failure to complete the processing may lead to an appeal

Mar. 6 1979 Developer's Solicitor
Letter to Manager, Land Use Planning Branch
Asks for Advise on Citizen Involvement Process

- does "indepth community meeting" satisfy citizen participation requirement?

Mar. 9 1979 Manager, Land Use Planning Branch
Letter to Developer's Solicitor
Requests Extension for Subdivision Application Processing

- outlines need for a final determination of the residential design plan

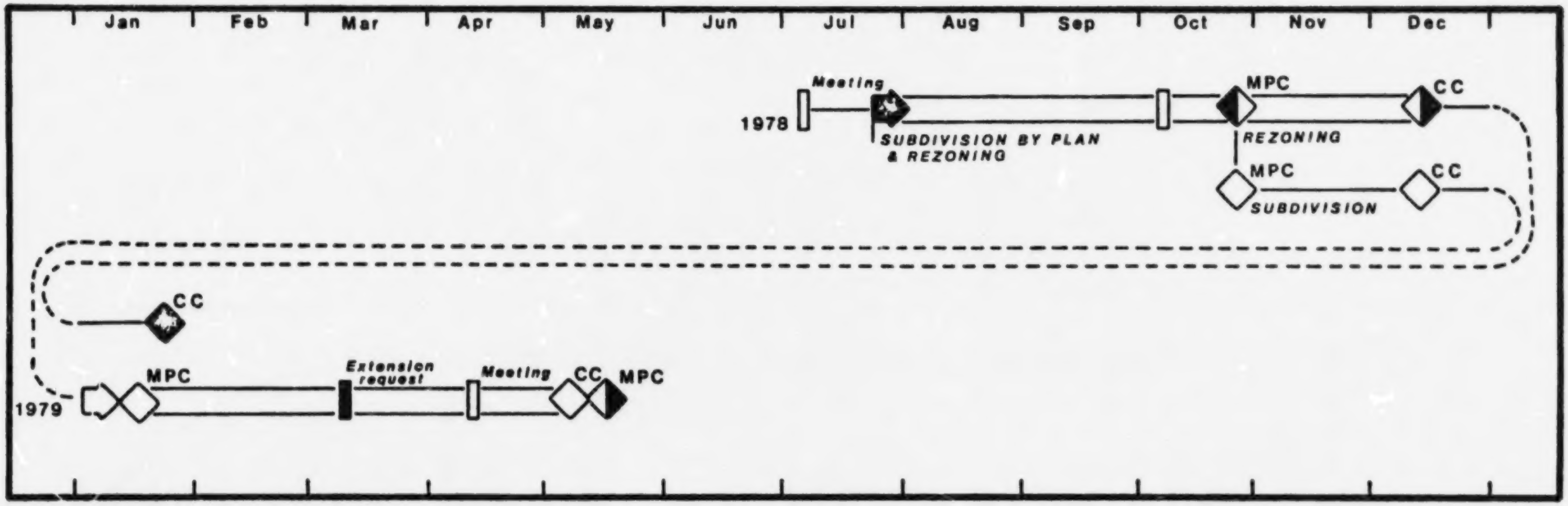
Apr. 11 1979 City Planning/Architect/Residents
Meeting

Apr. 24 1979 Mayor
Memo to Commissioner of Public Affairs
Requests Review of Correspondence with Local Area Resident

- resident and member of citizen's committee is not satisfied with the citizen participation component of the Plan approval

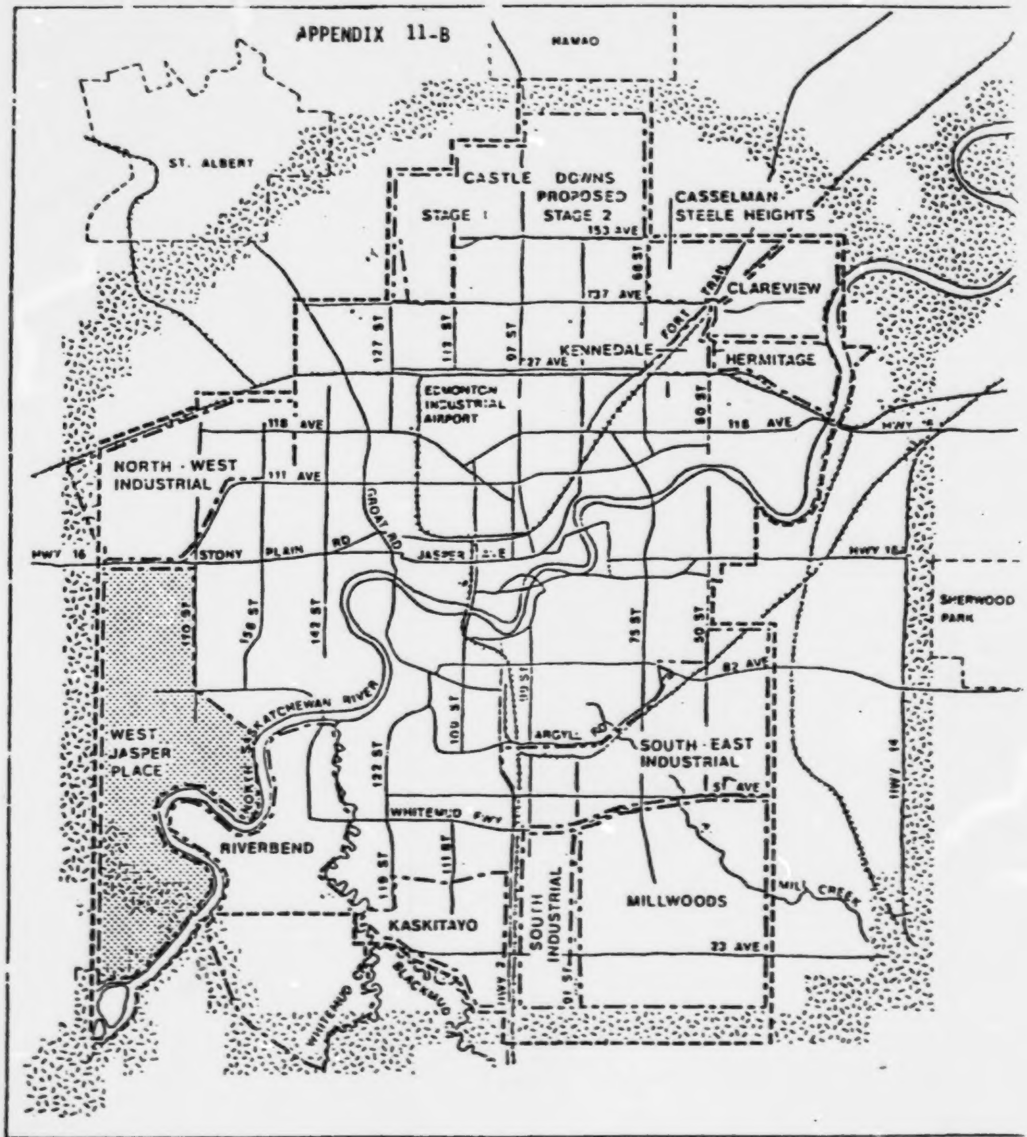
May		1979	Commissioner of Public Affairs Memo to Mayor - attaches letter to area resident replying to area resident--Planning Department has no legal right to require from the applicant changes to the plan that go beyond the approved development agreement or the requirements of the approved (R-3A) zoning district
May	8	1979	City Council Receives Status Report as Information
May	10	1979	Municipal Planning Commission Conditional Approval of Subdivision by Plan - elapsed time: ten months - delay, excluding rezoning processing: four months

APPENDIX 11-A


Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
1978
Meeting
SUBDIVISION BY PLAN
& REZONING
MPC
REZONING
CC
MPC
SUBDIVISION
CC
CC
1979
MPC
Extension request
Meeting
CC
MPC

11. CALLINGWOOD TOWN CENTRE

APPENDIX 11-B

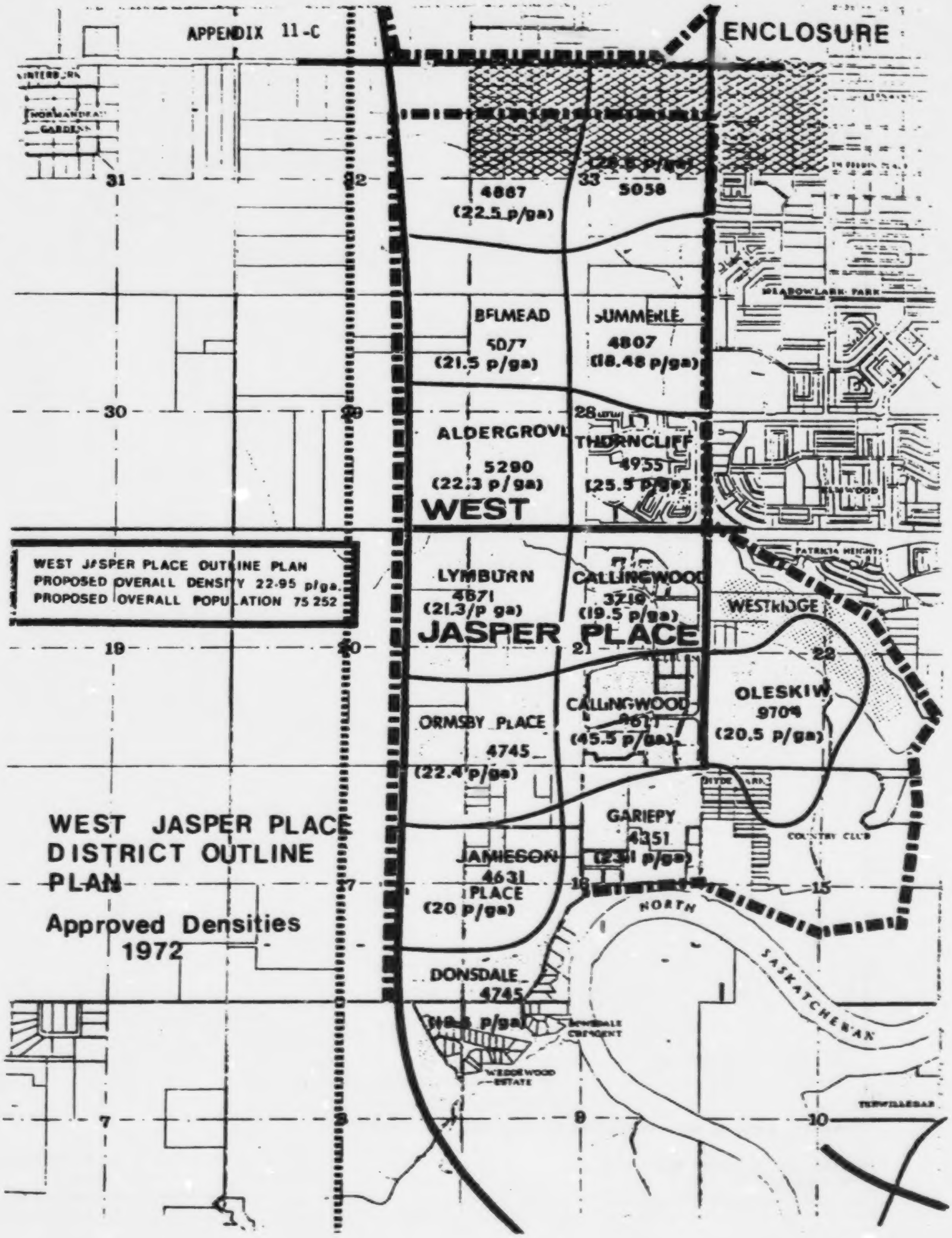

NAMAO
ST. ALBERT
CASTLE DOWNS
STAGE I
PROPOSED
STAGE 2
CASSELMAN-
STEELE HEIGHTS
153 AVE
137 AVE
CLAREVIEW
FORT TRAIL
127 ST
113 ST
97 ST
66 ST
127 AVE
KENNEDALE
HERMITAGE
EDMONTON
INDUSTRIAL
AIRPORT
118 AVE
HWY 15
NORTH-WEST
INDUSTRIAL
111 AVE
GROAT RD
HWY 16
STONY PLAIN RD
JASPER AVE
HWY 16
SHERWOOD
PARK
170 ST
156 ST
142 ST
75 ST
50 ST
82 AVE
NORTH SASKATCHEWAN RIVER
WEST
JASPER
PLACE
100 ST
109 ST
122 ST
ARGYLL RD
SOUTH-EAST
INDUSTRIAL
51 AVE
HWY 14
WHITEMUD FWY
RIVERBEND
111 ST
119 ST
SOUTH
INDUSTRIAL
MILLWOODS
MILL CREEK
KASKITAYO
23 AVE
HWY 2
91 ST
WHITEMUD CR.
BLACKMUD CR.

VICINITY

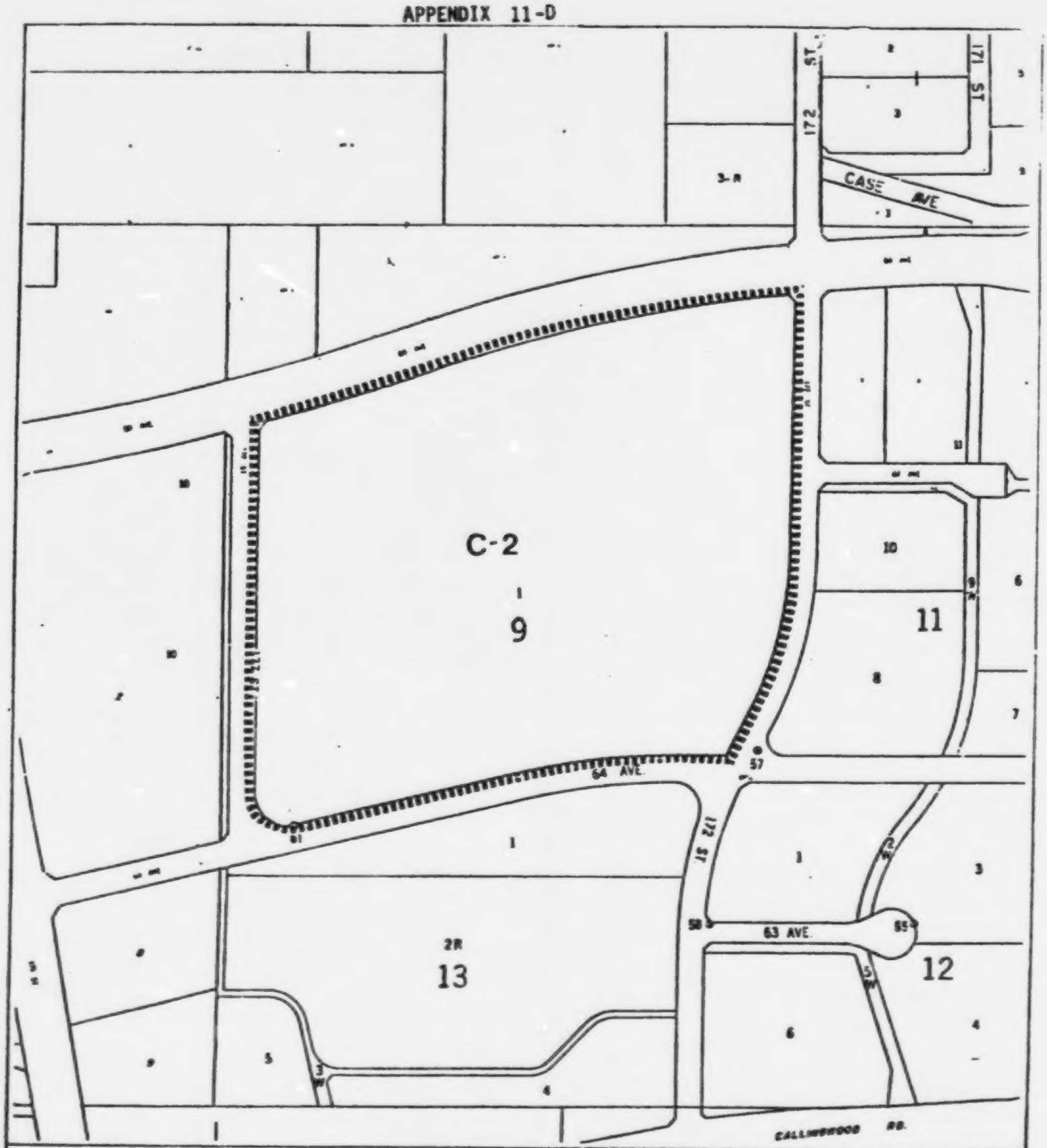
N

▨ limit of West Jasper Place

DEVELOPMENT BRANCH
PLANNING DEPARTMENT


APPENDIX 11-C
ENCLOSURE
WINTERBURN
NORMANDEAU GARDENS
4867
(22.5 p/ga)
5058
MEADOWLARK PARK
BELMEAD
5077
(21.5 p/ga)
SUMMERLE
4807
(18.48 p/ga)
ALDERGROVE
5290
(22.3 p/ga)
THORNCLIFF
4955
(25.5 p/ga)
ELMWOOD
WEST
WEST JASPER PLACE OUTLINE PLAN
PROPOSED OVERALL DENSITY 22.95 p/ga.
PROPOSED OVERALL POPULATION 75 252
LYMBURN
4671
(21.3/p ga)
CALLINGWOOD
3719
(19.5 p/ga)
PATRICIA HEIGHTS
WESTRIDGE
JASPER PLACE
OLESKIW
9704
(20.5 p/ga)
ORMSBY PLACE
4745
(22.4 p/ga)
CALLINGWOOD
961
(45.5 p/ga)
HYDE PARK
GARIEPY
4351
(23.1 p/ga)
COUNTRY CLUB
WEST JASPER PLACE
DISTRICT OUTLINE
PLAN
Approved Densities
1972
JAMIESON
4631
PLACE
(20 p/ga)
NORTH
SASKATCHEWAN
DONSDALE
4745
DONSDALE CRESCENT
WEDGEWOOD ESTATE
TERWILLEGAR
31
32
33
30
29
28
19
20
21
22
17
16
15
7
8
9
10

APPENDIX 11-D


172 ST.
171 ST
3-R
CASE AVE
C-2
1
9
10
11
8
6
7
64 AVE.
57
61
172 ST
1
3
63 AVE.
58
65
2R
13
12
6
4
5
CALLINGWOOD RD.

EXISTING SUBDIVISION

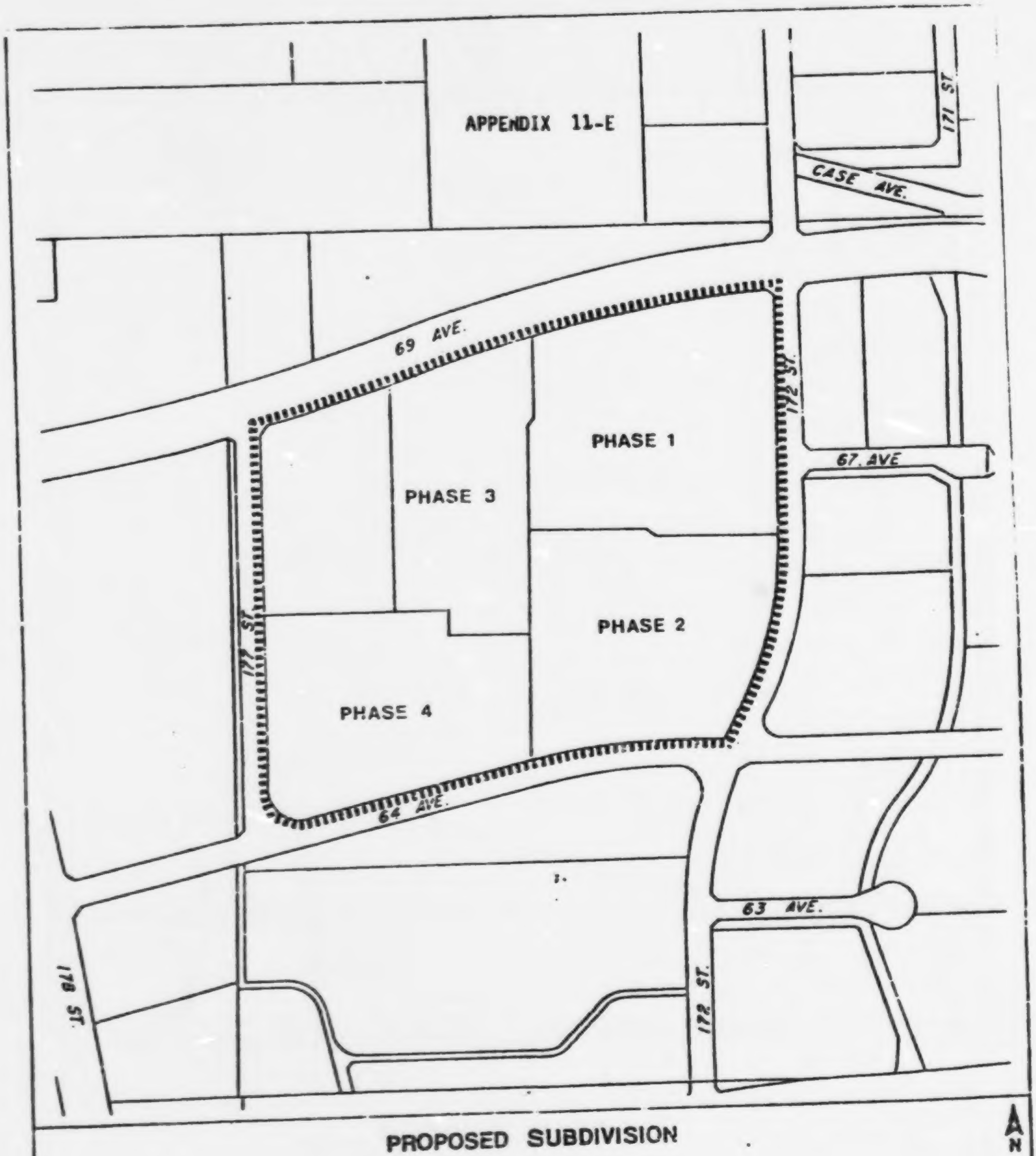
IIIIIIIII limit of area requested for approval and adoption

N

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-105-X
DATE SEPT. 7/78

APPENDIX 11-E


171 ST.
CASE AVE.
69 AVE.
172 ST.
67 AVE.
PHASE 1
PHASE 3
PHASE 2
PHASE 4
177 ST.
64 AVE.
63 AVE.
178 ST.
172 ST.
N

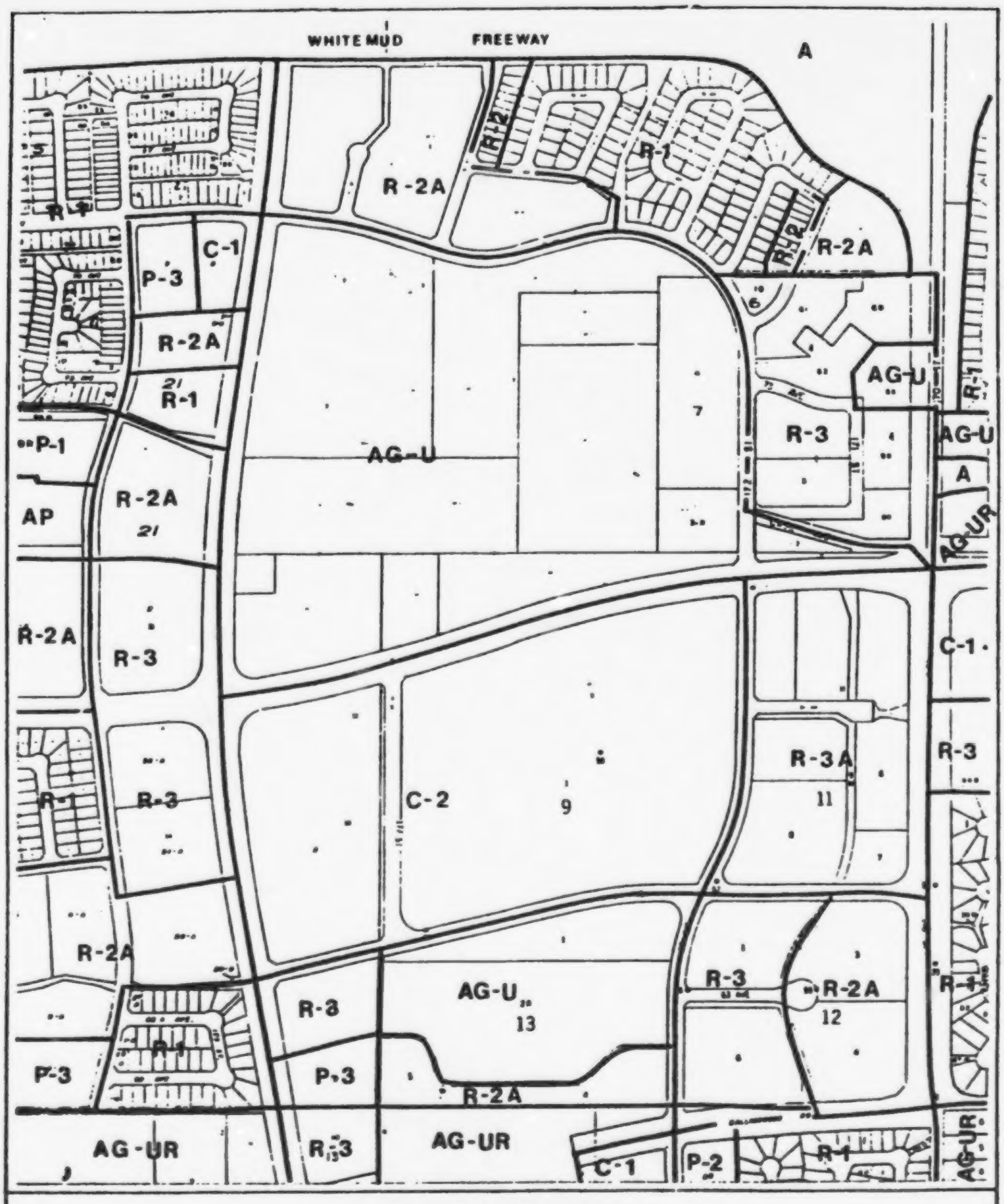
PROPOSED SUBDIVISION

▮▮▮▮▮▮▮▮▮ limit of proposed subdivision

LAND USE PLANNING BRANCH
PLANNING

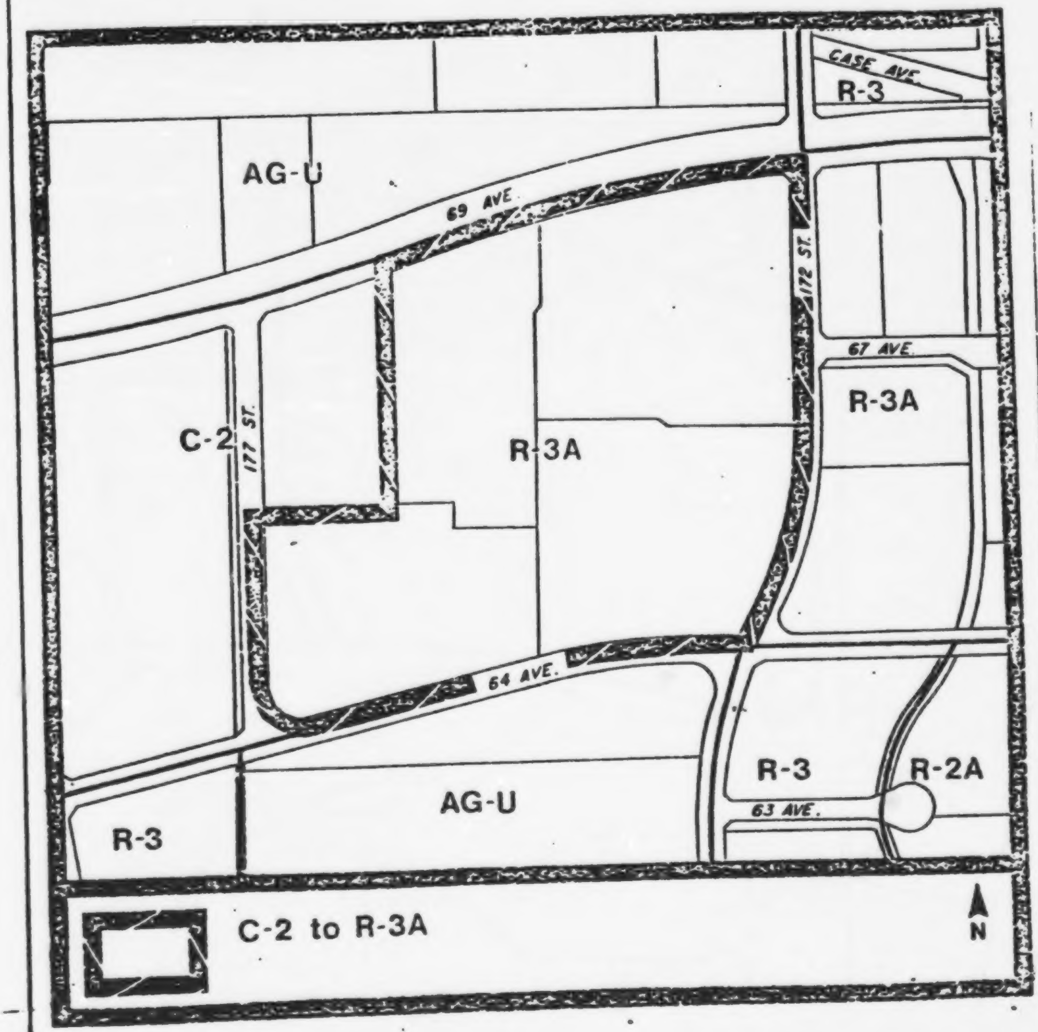
FILE NO. 73-X-105-X
DATE SEPT. 7/73

APPENDIX 11-F


WHITEMUD FREEWAY
A
R-1
R-2
R-2A
R-1
R-2
R-2A
R-1
P-3
C-1
R-2A
21
R-1
P-1
AP
R-2A
21
AG-U
7
AG-U
R-3
AG-U
A
AG-UR
R-2A
R-3
C-1
R-3
R-3A
11
R-1
R-3
C-2
9
R-2A
R-3
R-2A
12
R-3
AG-U
13
R-1
P-3
P-3
R-2A
AG-UR
R-3
AG-UR
C-1
P-2
R-1
AG-UR

CALLINGWOOD
APPROVED ZONING

APPENDIX 11-G



CASE AVE.
R-3
AG-U
69 AVE.
172 ST.
67 AVE.
R-3A
C-2
177 ST.
R-3A
64 AVE.
R-3
R-2A
63 AVE.
AG-U
R-3
C-2 to R-3A
N

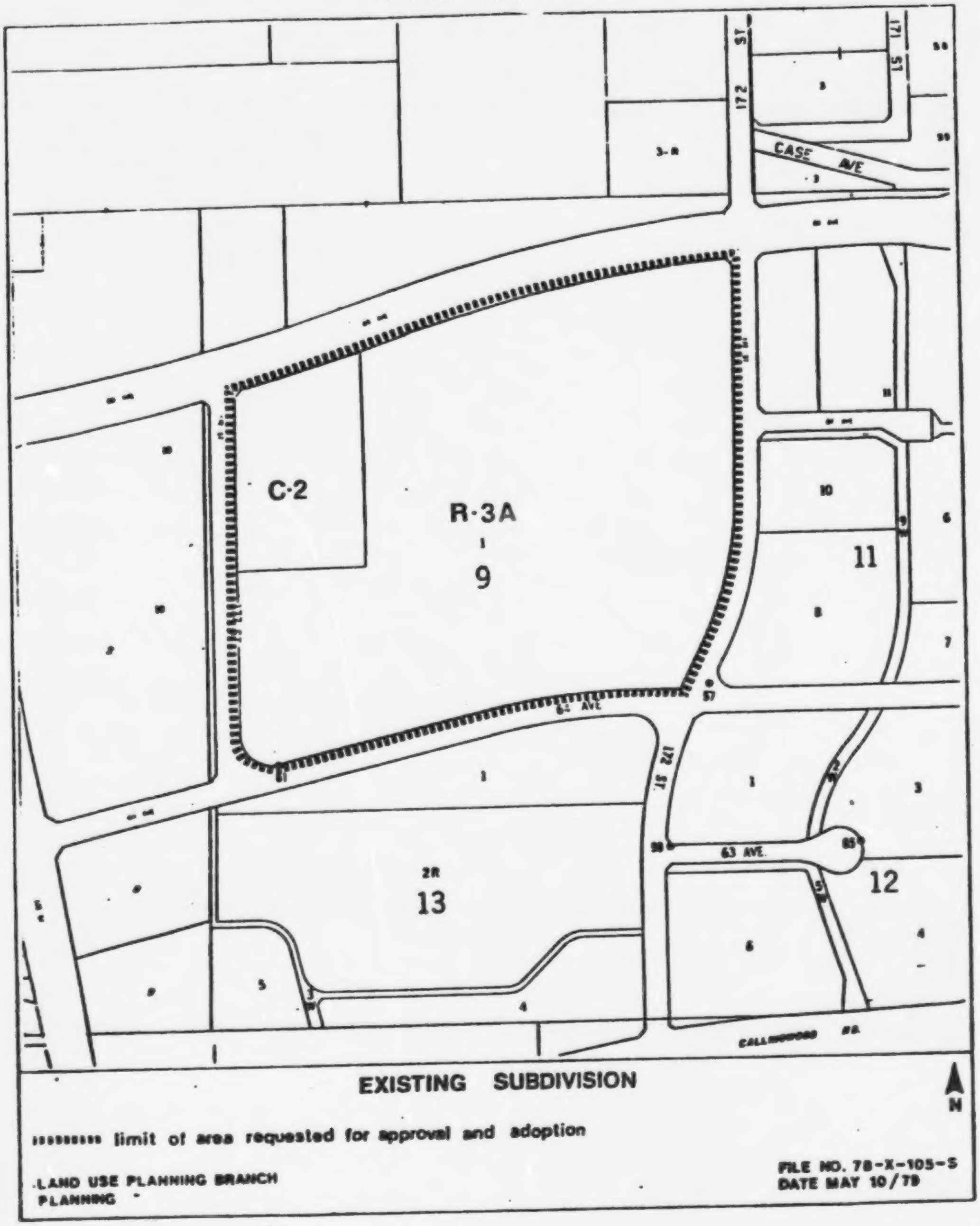
PROPOSED REZONING

▨ limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-105-X
DATE SEPT. 7/78

APPENDIX 11-H


172 ST
171 ST
CASE AVE
3-R
C-2
R-3A
1
9
10
11
8
6
7
64 AVE
172 ST
1
3
63 AVE
12
2R
13
6
4
5
3
4
CALLINGWOOD RD.
N

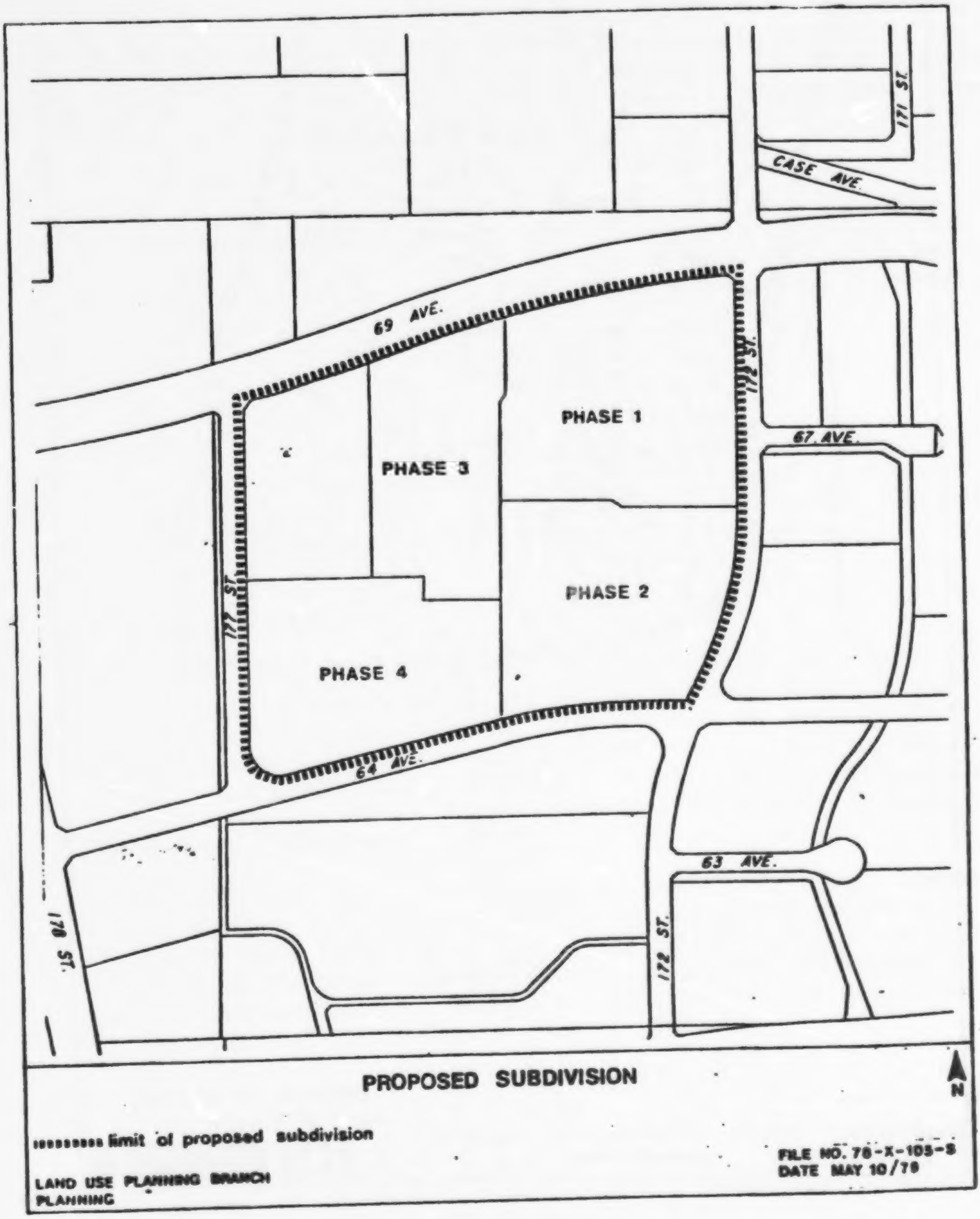
EXISTING SUBDIVISION

▮▮▮▮▮▮▮▮ limit of area requested for approval and adoption

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-105-S
DATE MAY 10/79

APPENDIX 11-I


171 ST.
CASE AVE.
69 AVE.
172 ST.
67 AVE.
PHASE 1
PHASE 3
PHASE 2
PHASE 4
177 ST.
64 AVE.
63 AVE.
170 ST.
172 ST.
N

PROPOSED SUBDIVISION

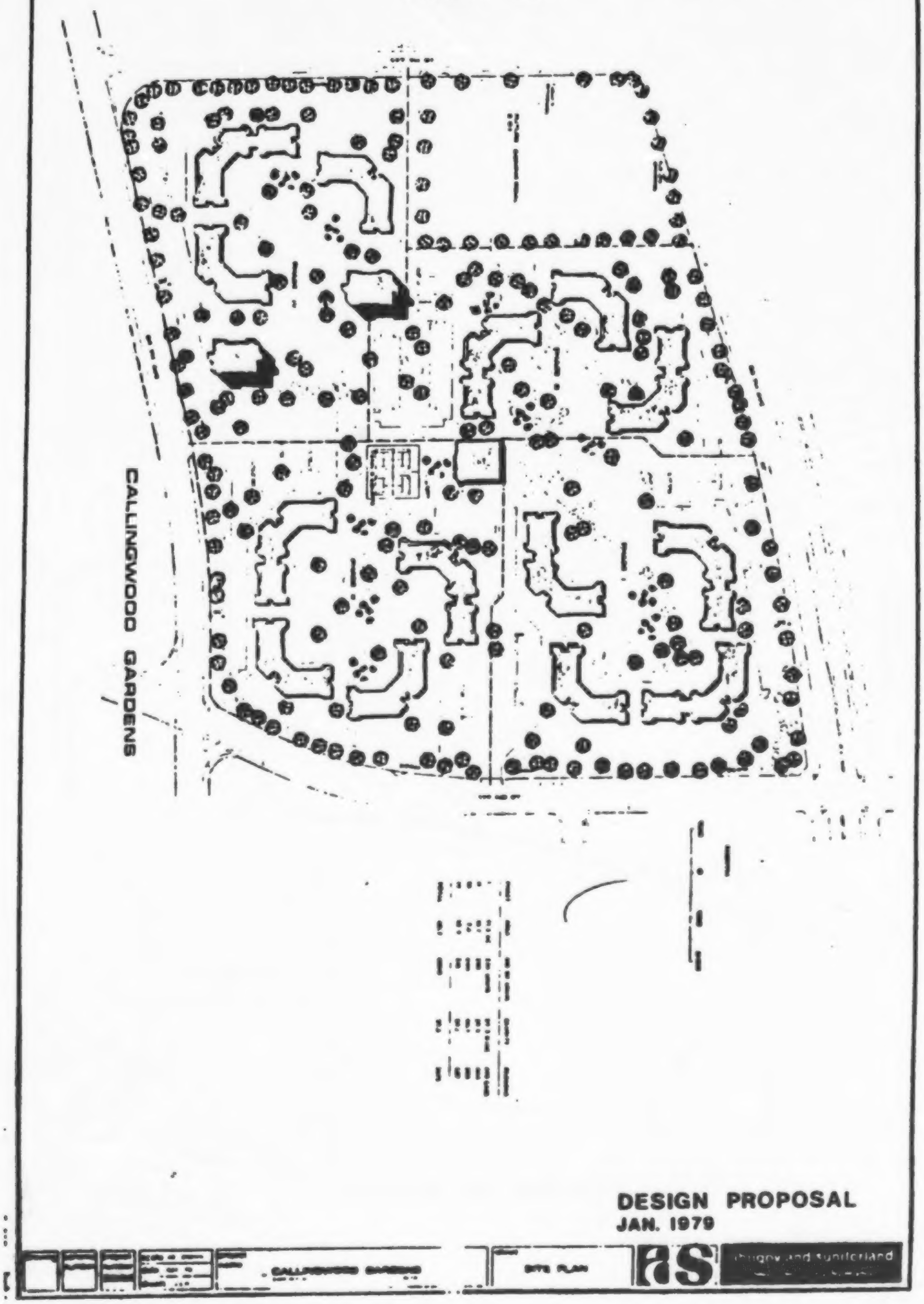
▪▪▪▪▪▪▪▪▪ limit of proposed subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-105-S
DATE MAY 10/78

APPENDIX 11-J

ENCLOSURE


CALLINGWOOD GARDENS
DESIGN PROPOSAL
JAN. 1979
CALLINGWOOD GARDENS
SITE PLAN
as
hughey and sunderland

CASE STUDY 12: 97th AVENUE PLAZA

12.1 Introduction

This case study examines an application to Rezone five and one-half lots in the Inner City neighbourhood of Oliver for the purpose of constructing a mixed use commercial-residential development. The application was made for rezoning from R-6 (high density residential) to CD-1 (comprehensive development district). The 0.92 acre site was owned by the Triple Five Corporation.

City Council approved the rezoning application and a General Plan Amendment which was necessary to permit the application to conform to the General Plan. An area resident applied to the courts to quash the rezoning bylaw; however, the action was dismissed and the Bylaw amendment upheld.

12.2 Findings

The application for the redevelopment of the five and one-half lots in the Oliver neighbourhood through reclassification of the site zoning as CD-1 did not conform to the General Plan, and also met with opposition from an area resident group.

12.2.1 Process

The application for a CD-1 designation in order to construct a mixed commercial/office and residential development in the Oliver inner city neighbourhood was initially made in December 1978. A month later all the documentation had been received and was circulated as a supplement to the original circulation of the deficient application on January 5. Returns from this circulation indicated non-support from several quarters.

The application reached the Municipal Planning Commission on March 1, 1979 at which time it was tabled pending further information upon issues raised by an area resident group. The following week the Municipal Planning Commission granted conditional approval for the application. Among the conditions was the requirement that an amendment to the General Plan be approved.

On May 23, 1979, City Council gave First and Second Reading to Bylaws 5696 and 5709 in order to rezone and to amend the General Plan respectively. This action was taken in the light of the Municipal Planning Commission's conditional approval. Final reading and formal approval of the Bylaws, together with a Development Agreement, were approved by City Council on July 10, 1979.

The developer applied for a Development Permit on August 17, 1979. However, the City was prevented from granting the permit owing to court action undertaken by an area resident to quash Bylaw 5696 granting the CD-1 designation. The motion was dismissed and the Bylaw upheld. The Development Permit application is still pending as of November 15, 1979

12.2.2 Delays

The only significant delay in the approval process was the three month court action initiated by an area resident.

12.2.3 Causes of Delays

The cause of the delay was the court action noted above. Legal argument was based on interpretations of the Planning Act and the City of Edmonton Zoning Bylaw pertaining to CD-1 zoning. (As of December, 1979, there were indications that the Oliver Citizens Group were attempting to appeal the court decision and to try to obtain permission to take the case to the Development Appeal Board.)

12.2.4 Regulations and the Application of Regulations

Development and redevelopment applications have a high degree of risk of delay if the application is opposed by area residents. Certain area resident groups are prepared to undertake court action to reverse the decisions of City Council.

The administration had the General Plan amendment processed for Council upon the conditional approval of the CD-1 rezoning by the Municipal Planning Commission. Hence the General Plan can be readily amended making conformity an insignificant problem.

12.3 Summary and Conclusion

12.3.1 Summary of Findings

The approval process for the 97th Avenue Plaza was met with opposition from several quarters.

12.3.1.1 The administration revealed non-conformity with the General Plan

12.3.1.2 The area residents objected to the non-residential component and undertook court action to quash Council's approval of the CD-1 rezoning.

12.3.2 Conclusion

Development and redevelopment projects risk delay if the proposal is opposed by area residents. In this case, the court action was based on the interpretation of land use regulations as specified in the Bylaw. The court action was made possible by application of regulations at the Provincial level (the Municipal Government Act).

Costs of Delay

Again, as in the previous case study, a relatively short delay in the processing of a project (in this case three months) led to the lapsing of a mortgage commitment at a favourable rate of interest. The original mortgage commitment was for $16 million at 11 per cent for a 15 year term. By the time the approval had been processed, mortgage rates had risen substantially and the $16,000,000 was available only at 13 per cent. In the first year alone this would result in additional mortgage interest payments of $320,000. The discounted present value of the increased interest payments over the full term of the loan would amount to $3,764,000.

12.4 Chronology of Significant Events

Dec. 20 1978 Developer
Submits Application for Zoning Bylaw Amendment

- requests CD-1 designation under Section 35 of Zoning Bylaw 2135 (current zoning classification of site was R-6)

Dec. 29 1978 Developer/City
Meeting

- deficiencies in application indicated

Jan. 5 1979 Land Use Planning Branch
Circulates Application

- application incomplete

Jan. 9 1979 Director, Land Use Control
Recommends Non-Support

- non-conformity with General Plan
- non-residential character considered an intrusion
- commercial use would generate excess traffic

Jan. 12 1979 Land Use Planning Branch
Letter to Developer
Notice of Incomplete Application

Jan. 19 1979 Land Use Projects
Circulation of Application Supplement

Jan. 22 1979 Edmonton Social Services
Memo to Director, Land Use Projects
Non-Support of Rezoning application

- seven points of objection--incompatibility of commercial and residential uses, river valley proximity, traffic problems, negative effects on quality of life, building heights, conflict with current planning projects in the Oliver area

Feb. 27 1979 Municipal Planning Commission
Agrees to Hear Submissions from Developer and Area Residents

Mar. 1 1979 Municipal Planning Commission Rezoning Application
Tabled

- requests further information on nine issues raised by area residents

Mar. 8 1979 Municipal Planning Commission
Conditional Approval of CD-1 Zoning

Conditions Include:

- amendment to General Plan from "Residential and Institutional" to "Residential and Special Office" designation
- consolidation and lane closure required
- residential component to include three bedroom units
- office commercial component requires redesign to reduce "bulky effect", to maximize sun penetration, and to restrict area to a maximum of 110,000 sq. ft.

Mar. 29 1979 General Manager, Planning Memo to City Clerk
Submits Bylaw 5696 (Rezoning) for Council Agenda

- Item for City Council meeting on May 8, 1979

Apr. 18 1979 Director, General Research Services Section (Planning)
Memo to Director, Land Use Projects (Land Use Planning)
Informs that Review of Request for General Plan Amendment has been Completed

- May 8 Agenda unrealistic; General Plan Amendment requires two months processing time (intention is to adhere to provisions of the Planning Act)

May 23 1979 City Council
Zoning Bylaw Amendment (Bylaw 5696) and General Plan Amendment (Bylaw 5709)
First and Second Reading Given

July 10 1979 City Council
Zoning Bylaw Amendment (Bylaw 5696) and General Plan Amendment (Bylaw 5709)
Third Reading Given; Approves Development Agreement

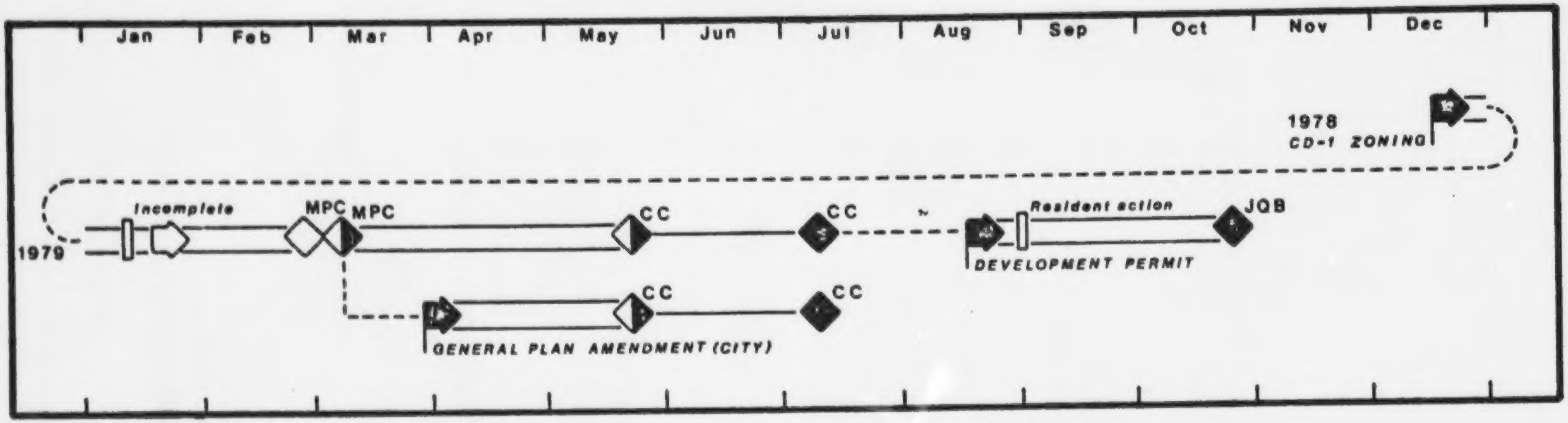
Aug. 17 1979 Developer
Submits Application for Development Permit

Aug. 31 1979 Area Resident
Files Notice of Motion to Quash Bylaw 5696 (Rezoning) at the Court of Queen's Bench

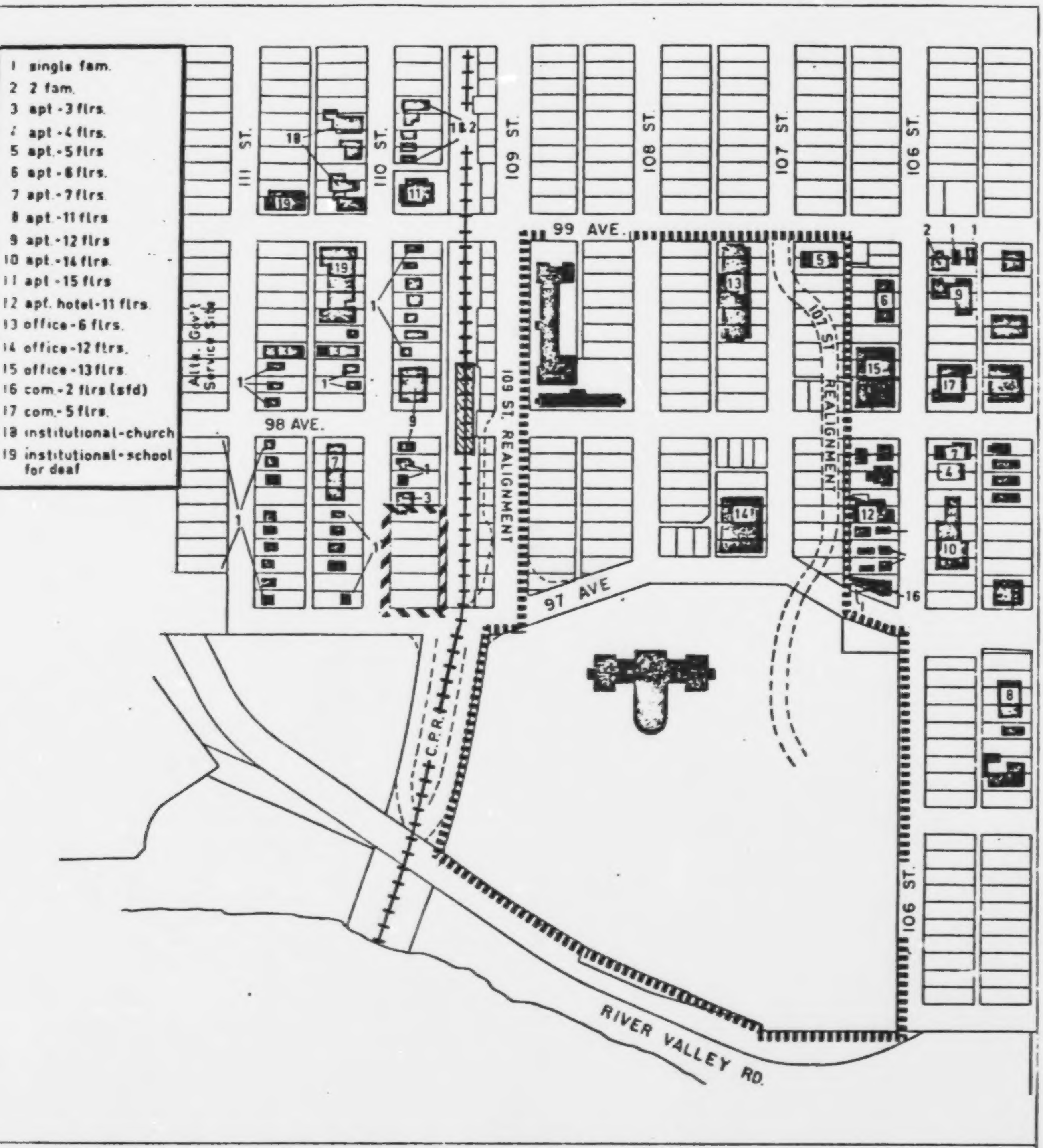
- application made pursuant to Section 397 of the Municipal Government Act (this section creates a procedure for summarily testing the legality of municipal legislation)
- development permit process to be held in abeyance

Oct. 26 1979	Justice of Queen's Bench Issues Judgement Application to Quash Dismissed - City Bylaw Upheld
Oct. 29 1979	City Law Department Memo to General Manager, Planning Department Indicates that it is in Order to Process Development Permit Application - notes possibility of Judgement being appealed
Nov. 15 1979	(as of this date, no development permit had been issued)

APPENDIX 12-A



12. 97th AVENUE PLAZA


1 single fam.
2 2 fam.
3 apt - 3 flrs.
4 apt - 4 flrs.
5 apt. - 5 flrs
6 apt - 6 flrs.
7 apt. - 7 flrs
8 apt. - 11 flrs
9 apt. - 12 flrs
10 apt. - 14 flrs.
11 apt - 15 flrs
12 apt. hotel - 11 flrs.
13 office - 6 flrs.
14 office - 12 flrs.
15 office - 13 flrs.
16 com. - 2 flrs (sfd)
17 com. - 5 flrs.
18 institutional - church
19 institutional - school for deaf
111 ST.
110 ST.
109 ST.
108 ST.
107 ST.
106 ST.
99 AVE.
98 AVE.
97 AVE
Alta. Gov't Service Site
109 ST. REALIGNMENT
107 ST. REALIGNMENT
C.P.R.
RIVER VALLEY RD.
1&2
18
11
19
13
5
6
9
15
17
16
7
4
14
12
10
8
3
2
1

VICINITY MAP

▮▮▮▮ proposed Alberta Centre

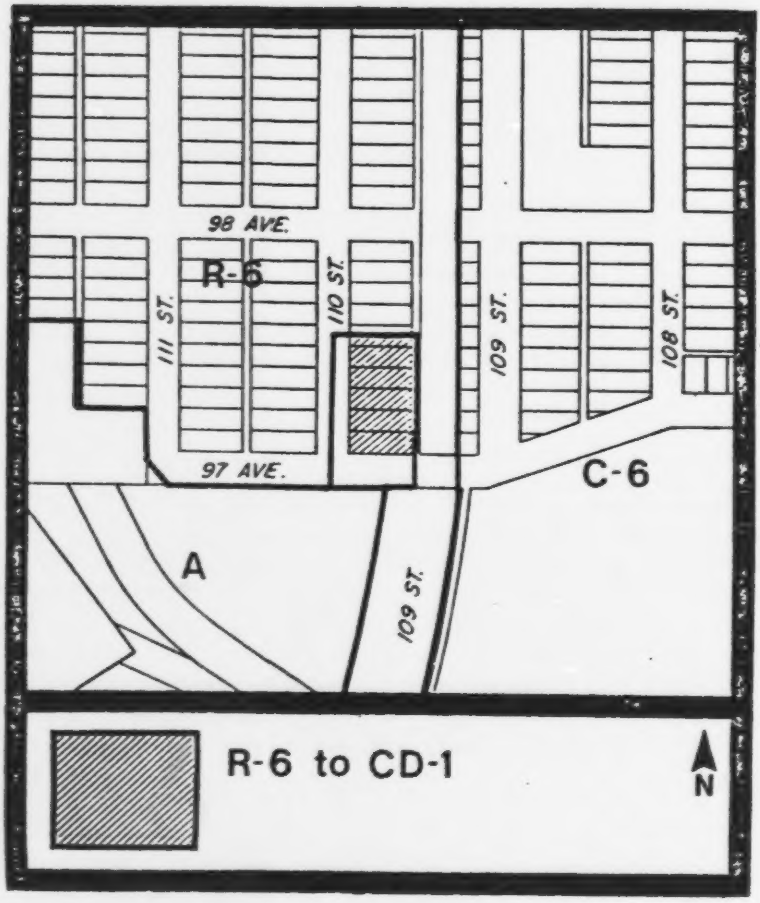
▨ proposed L.R.T. station

▚▚▚ subject site

N

LAND USE PLANNING BRANCH
PLANNING

FILE NO. Z0/79-3
DATE: March 1/79


98 AVE.
R-6
111 ST.
110 ST.
109 ST.
108 ST.
97 AVE.
C-6
A
109 ST.
R-6 to CD-1
N

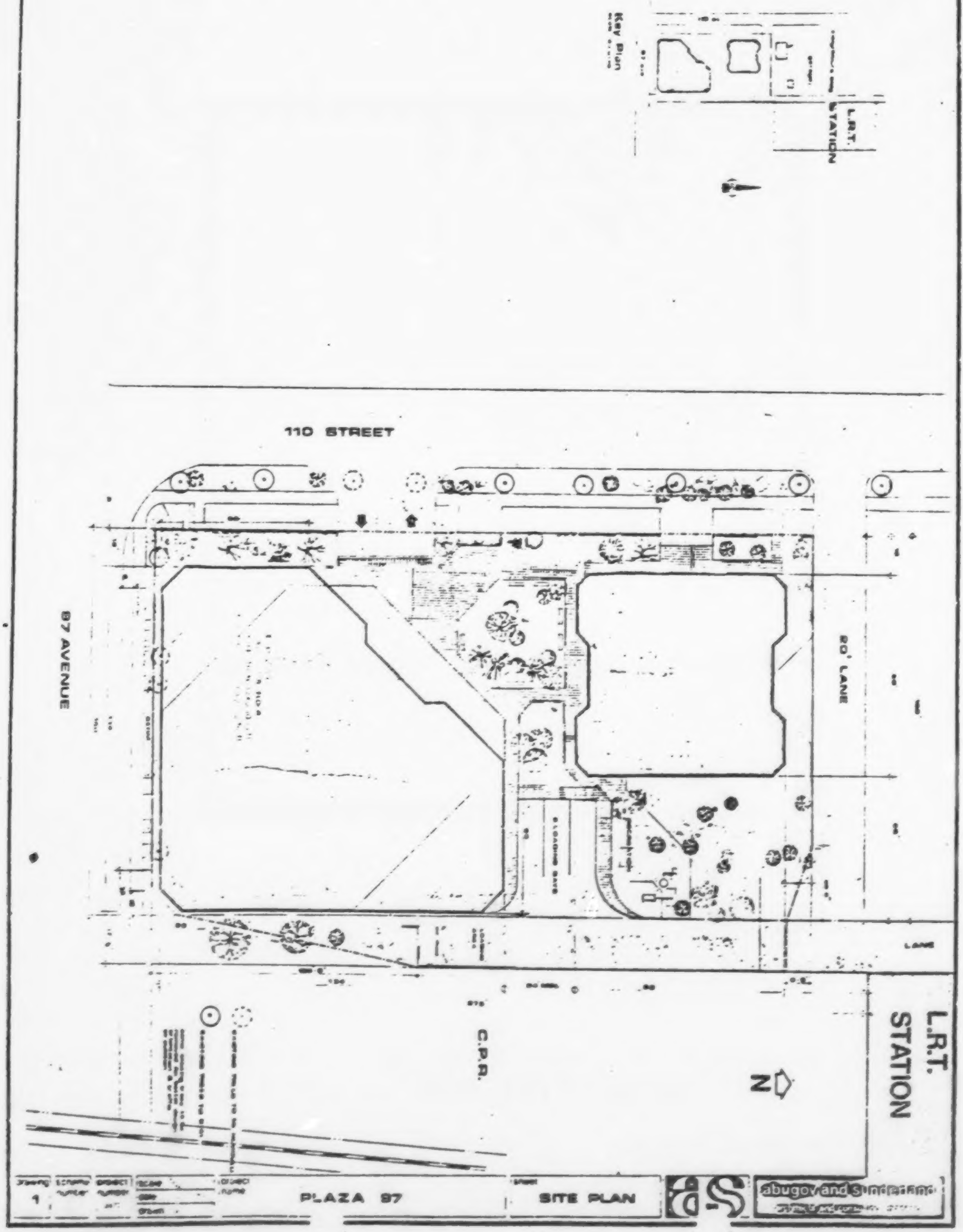
PROPOSED REZONING

▨ limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO. ZB/79-3
DATE March 1/79

APPENDIX 12-D


Key Plan
L.R.T. STATION
110 STREET
87 AVENUE
20' LANE
LANE
C.P.R.
L.R.T. STATION
N
drawing 1
PLAZA 87
SITE PLAN
abugov and sunderland

CASE STUDY 13: HUNTINGTON HILL

13.1 Introduction

This case study examines an application by a private developer to Rezone a vacant parcel of land (28.25 acres) from M-1 (Industrial) to CD-1 (Comprehensive Development District) in order to develop a mixed commercial-residential project. The site is at the intersection to two major transportation routes in South Edmonton, the Calgary Trail South and the Whitemud Freeway.

The designation of an area as a Comprehensive Development District provides for major developments which do not conform to any one zone but which do conform to the General Plan. This designation provides some flexibility to pursue innovative measures in the design of the project. Each project is carefully examined with respect to location, comprehensive outlook and quality of design.

13.2 Findings

The objective of the applicant for the Huntington Hill project was to seek designation of the land parcel as a Comprehensive Development District. The designation is in effect a trade-off between the certainty of specific regulations for specific zones and control of the project through negotiated agreement. It is attractive to developers because of the potential for incorporating innovative design and unconventional mixtures of uses, but these are subject to detailed scrutiny and negotiation by the Planning Department. Typically, developers receive higher densities in return for greater amenities.

13.2.1 Process

The process for designation of a CD-1 zone, while similar to that for most rezoning applications, usually requires a longer time to complete, i.e. requirements for a scale model showing the proposed development and its relationship to surrounding developments. A Bylaw is passed by City Council which amends the Zoning Bylaw, thus creating the CD-1 zone. The CD-1 designation is transitory in the sense that it is valid for one year, at which time the land uses are supposed to be apportioned according to the normal zone designations. A Development Agreement is the primary tool for controlling the development of the project.

In this case the Developer originally submitted an incomplete application in July, 1978. The Planning Department deemed the subsequent submission of September 6, 1978 was complete. From this date until final reading of the Bylaw (5544), some four months elapsed.

13.2.2 Delays; and 13.2.3 Causes of Delays

Even though the approval sequence is similar to a rezoning application, the Planning Department circulation is almost invariably more complicated with CD-1 applications. Hence, the quantification of delays in terms of the six week maximum time period estimated by the City is invalid. In fact, the Planner associated with this project felt that the approval had been granted rather expeditiously. The Planner also indicated that considerably pressure had been placed on the Department to have the project approved. It is ironic that the Developer has yet to apply for a Development Permit.

The Developer Interview revealed the information that this approval was "faster than he ever had...". He explained the delay in applying for the Development Permit as related to financing problems associated with an interest rate rise. The developer claimed that the Development Permit application delay is related to these problems, and not to a lack of interest in carrying on with the project.

13.2.4 Regulations and the Application of Regulations

The Planning Department and the approving authorities at the City (Municipal Planning Commission and Council) apparently acted in good faith in dealing with the application. The files reveal a number of incomplete aspects of the application, omissions the Municipal Planning Commission noted when granting conditional approval for the CD-1 designation. Clearly the onus is upon the applicant to ensure completeness of application.

13.3 Summary and Conclusion

13.3.1 Summary of Findings

The CD-1 designation is in effect a trade-off between the certainty of specific regulations for specific zones and the control of the project through negotiated agreement.

13.3.1.1 From the date of the application which was accepted as complete until third reading and final approval of the bylaw to amend the zoning bylaw by City Council, some four months elapsed.

13.3.1.2 The approval process was relatively short according to the planner associated with the project. The developer engaged in a considerable amount of lobbying as a means of hurrying the project through the approval process.

13.3.1.3 As of October 15, 1979, no application for a Development Permit has been received, some nine months after approval of the CD-1 designation. This delay was due to a change in the interest rate which necessitated refinancing of the project.

13.3.2 Conclusion

This case study reflects positively on the Planning Department's ability to process an application quickly, and to the satisfaction of the developer-applicant. The project was given a high priority and handled efficiently, only to be delayed by an external force, the financing arrangements as influenced by changing interest rates.

Cost of Delay

This project involved 28.25 acres of land. No land values were obtained. No processing delays occurred. Therefore there were no money costs of delay.

13.4 Chronology of Significant Events

July 4 1978 Developer
Submits Application for Zoning Bylaw Amendment

- requests CD-1 designation (current zoning classification of site was M-1)
- application incomplete

Sept. 6 1978 Developer
Submits Completed Application

Sept. 8 1978 Planning Department
Circulates Application

Oct. 4 1978 Developer's Consultant
Clarifies Public Reserves

- result of meeting with City representatives

Oct. 12 1978 Municipal Planning Commission
Conditional Support of Zoning Bylaw Amendment and Recommended to City Council that Application be made to Edmonton Regional Planning Commission to Amend the Preliminary Regional Plan

- not all issues resolved in detail (Rezoning Application)

Nov. 14 1978 City Council
Zoning Bylaw Amendment (Bylaw 5544)
First and Second Reading Given

- several points raised by Aldermen--issues referred to Administration

Dec. 4 1978 General Manager, Planning Department
Memo to Commissioner of Public Affairs
Responds to Aldermanic Enquiries

- report to be included in agenda for Council meeting of Dec. 12
- notes that development agreement will be considered at the Dec. 12 meeting

Dec. 12 1978 City Council
Zoning Bylaw Amendment (Bylaw 5544)
Third Reading Given Development Agreement Approved

Jan. 11 1979 Director, Land Use Projects (Land Use Planning Branch)
Letter to Developer
Outlines Status of Rezoning Application

- notes conditions agreed upon re-development agreement
- advises that ratification of the Edmonton Regional Plan amendment will be considered by the Alberta Planning Board on Jan. 30, 1979

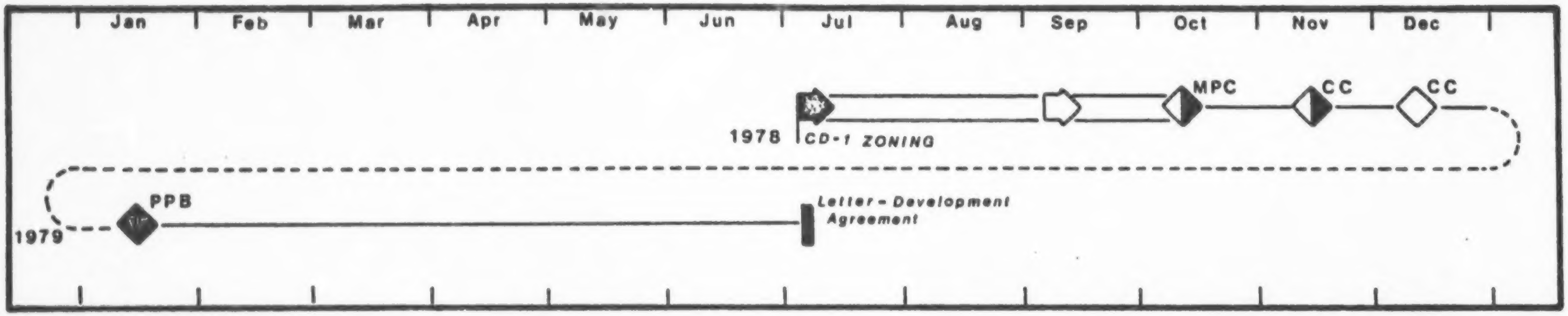
Jan. 16 1979 Provincial Planning Board
Approved Amendment to Regional Plan

July 6 1979 Manager, Land Development Coordination (Planning)
Letter to Developer
Advises on Development Agreement Execution

- Development Agreement cannot be executed until developer provides a revised plan--notes that for some time the City has attempted to obtain this plan

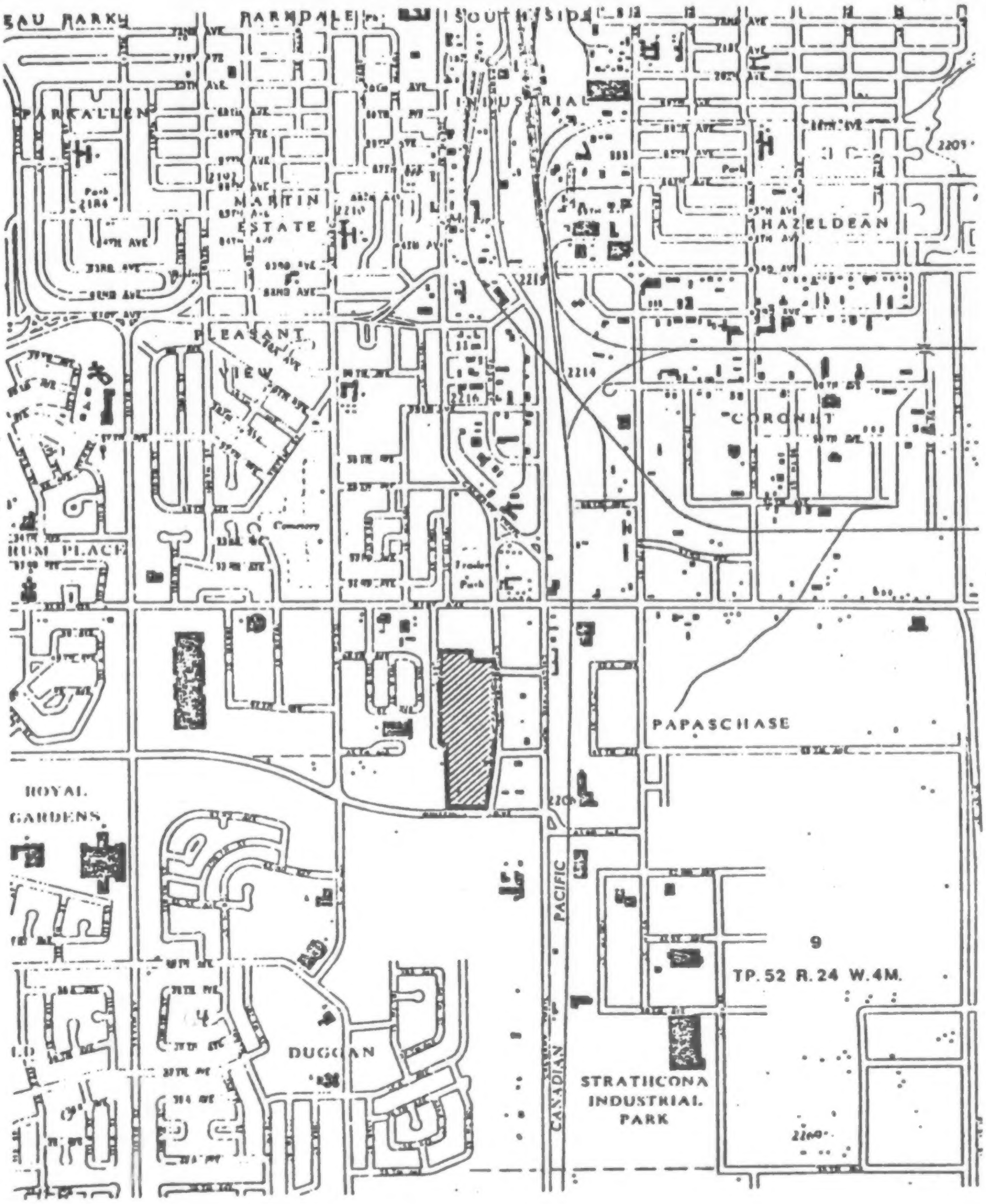
Dec. 1979 (Developer Interview Note: Developer acknowledged that the "approval was faster than he ever had"; and reason for not applying for Development Permit was that a rise in the interest rate forced them to refinance the project--the project is now under way again).

APPENDIX 13-A



13. HUNTINGTON HILL

APPENDIX 13-B



SOUTHSIDE
INDUSTRIAL
PARKALLEN
MARTIN ESTATE
HAZELDEAN
PLEASANT VIEW
CORONET
Cemetery
Trader Park
PAPASCHASE
ROYAL GARDENS
DUGGAN
CANADIAN PACIFIC
STRATHCONA INDUSTRIAL PARK
9
TP. 52 R. 24 W.4M.

VICINITY

▨ limit of proposed rezoning

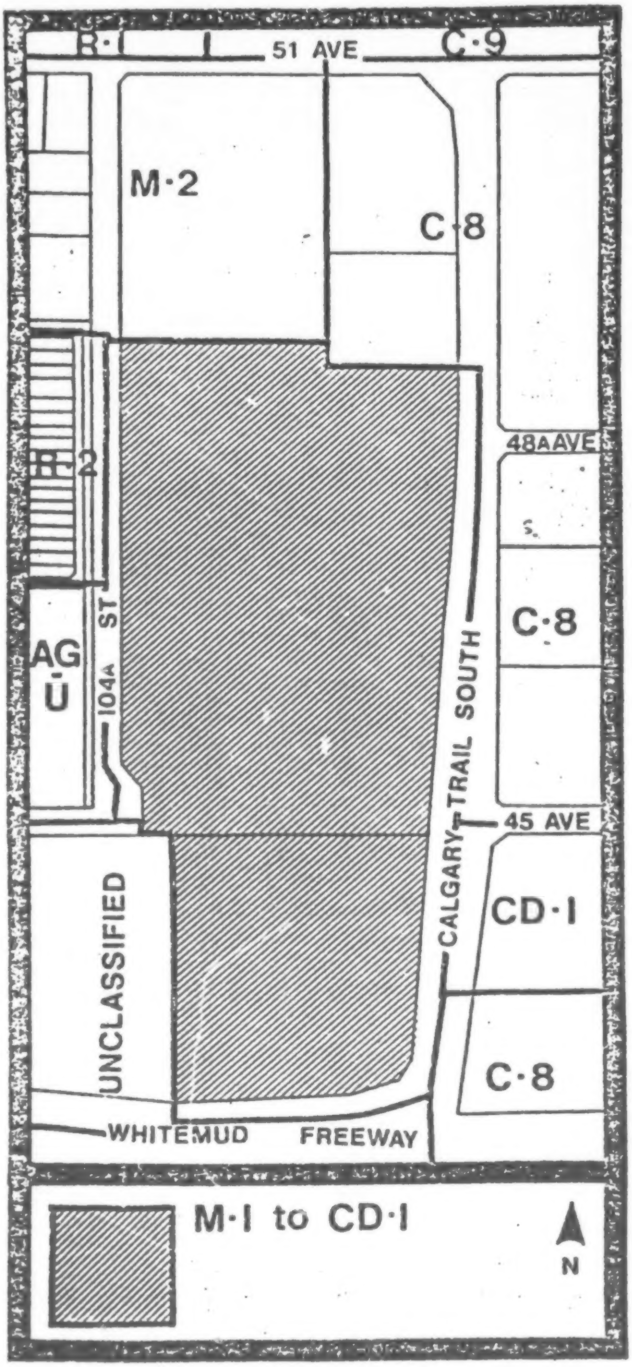
LAND USE PLANNING BRANCH

PLANNING

FILE NO. ZB/78-112
DATE OCT. 12, 1978

N

APPENDIX 13-C


R·1
51 AVE
C·9
M·2
C·8
48A AVE
R·2
AG
U
104A ST
C·8
CALGARY TRAIL SOUTH
45 AVE
CD·1
UNCLASSIFIED
C·8
WHITEMUD FREEWAY
M·1 to CD·1
N

PROPOSED REZONING

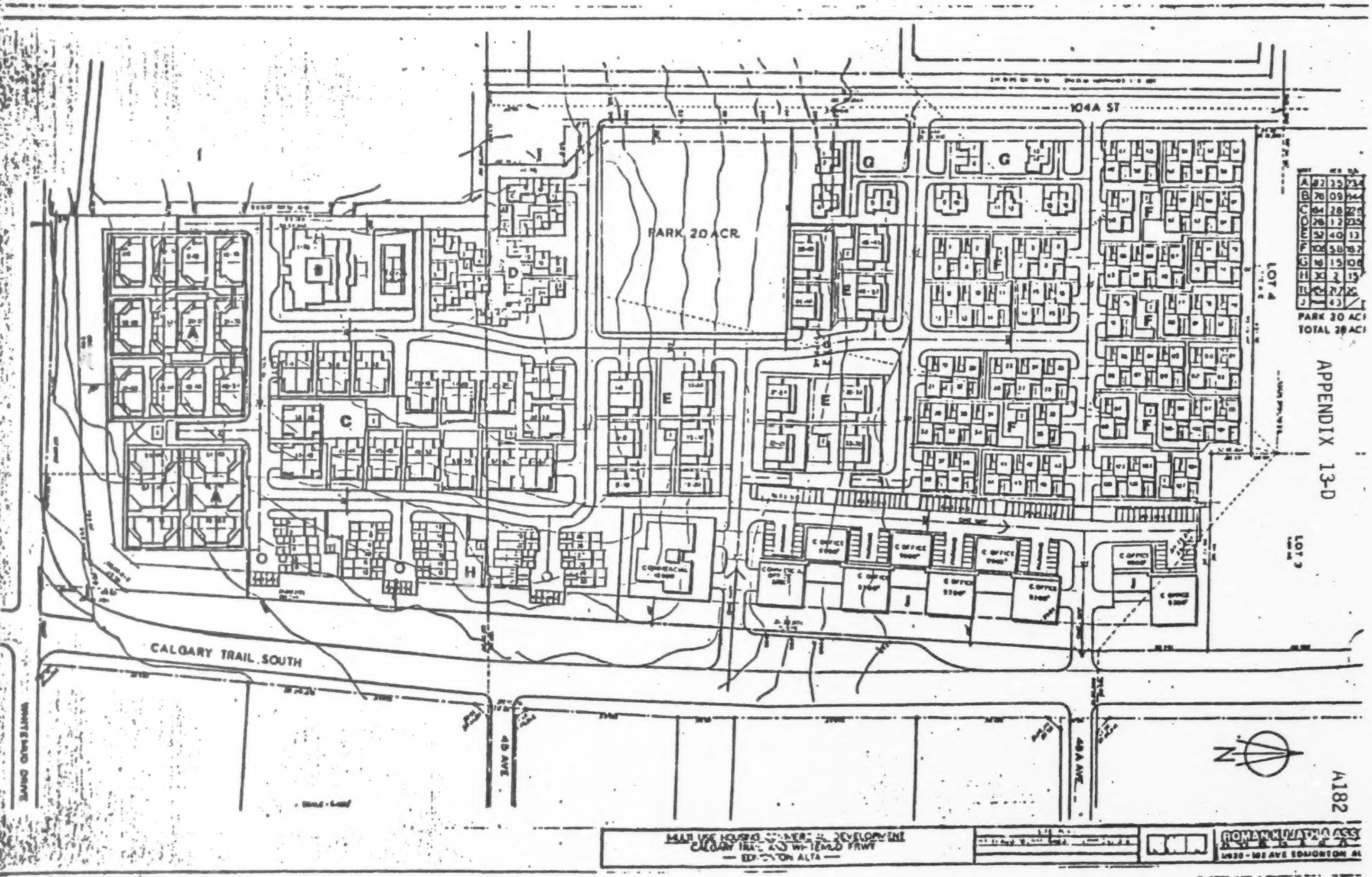
▨ limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO. ZB/78-112
DATE OCT. 12, 1978

A182

APPENDIX 13-D


LOT 4
LOT 3
104A ST
PARK 20 ACR.
A
B
C
D
E
F
G
H
J
COMMERCIAL SHOP
C OFFICE SHOP
ONE WAY
CALGARY TRAIL SOUTH
49A AVE
49 AVE
WHITEMUD DRIVE
N
PARK 20 AC
TOTAL 28 AC
MULTI USE HOUSING COMMERCIAL DEVELOPMENT
CALGARY TRAIL AND WHITEMUD DRIVE
— EDMONTON ALTA —
ROMAN KUJATH & ASS
10520 - 102 AVE EDMONTON AL

CASE STUDY 14: GARNEAU REDEVELOPMENT

14.1 Introduction

This case study varies from the other cases researched in several ways. Rather than trace any one particular redevelopment proposal through the approval process the analysis was conducted on a 100 per cent sample of all the redevelopment projects approved since the application of a high density residential zone to a portion of the neighbourhood in 1961.

Garneau is an inner city neighbourhood which is presently subject to the preparation of an Area Redevelopment Plan. The neighbourhood, as defined by the Community Renewal Section of the Planning Department, covers 293.1 gross acres which is reduced to 198.5 net developable acres. Ten thousand people live in Garneau in a range of housing types from single family detached houses, through walk-up apartments to high rise apartments.

14.2 Findings

The redevelopment process in Garneau is almost half completed in the sense that just under 50 per cent of the net acreage has been redeveloped to its highest potential.

Table 18.1 displays the numbers of Development Permit Applications processed by the Planning Department each year since the application of high density zoning. Also shown are the outcome statistics as well as the calculation of the number of mean working days needed to process the applications both by the Development Officer and the Development Appeal Board.

Processing Times

While the data base is small, there appears to be a steady trend toward longer processing times for decisions from both the Development Officer and the Development Appeal Board. There are two aberrations in this trend from the Development Officer's decision in 1972 and 1970 with one for the Development Appeal Board's processing time in 1970. Indeed, the Development Officer's decision took over twenty working days in every year since 1976 with the single application for 1972 being the only other year when 20 working days were exceeded.

14.3 Conclusion

While statistical analysis of the data base is not conducive to rigorous analysis, it appears that more applications are taking longer to process than was the case in the previous decade.

TABLE 14.1: GARNEAU DEVELOPMENT PERMIT STATISTICS

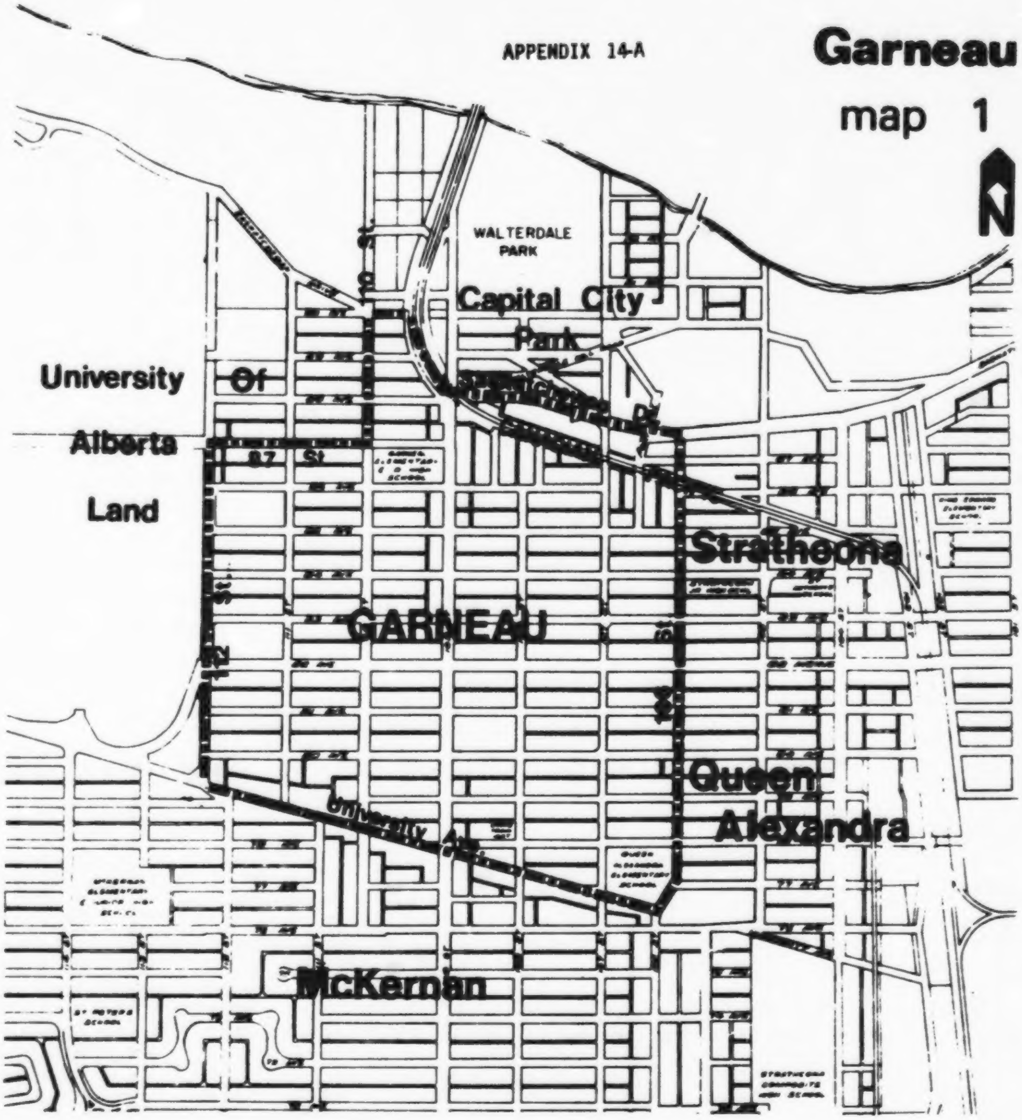
Year	Total No. of Applications	No. Approved	No. Refused	Development Officer Decision(1)	Appealed	Successful	Unsuccessful	Development Appeal Board Decision(1)
1962	4	4	-	7	-	-	-	-
1963	5	4	1	10	1		1	5
1964	5	4	1	4.8	1	1	-	5
1965	8	8	-	6.4	-	-	-	-
1966	3	2	1	4.7	1	1	-	9
1967	3	2	1	11.3	1	1	-	5
1968	6	2	4	6.4	4	4	-	17
1969	6	5	1	6.5	2	2	-	27
1970	4	2	2	14.5	2	2	-	41.5
1971	6	4	2	9	2	2	-	14.5
1972	1	1	-	23	-	-	-	-
1973	3	3	-	6.7	-	-	-	-
1974	3	2	1	8.4	1	1	-	19
1975	2	2	-	11.5	-	-	-	-
1976	3	1	2	21	1	1	-	34
1977	7	5	2	23.9	1	1	-	27.5
1978	3	2	1	29	1	1	-	30
1979	1	-	1	53	-	-	-	-
Total	73	53	20		18	17	1	

(1) in mean working days

APPENDIX 14-A

Garneau

map 1


N
WALTERDALE PARK
Capital City Park
University Of Alberta Land
87 St
GARNEAU
Strathcona
Queen Alexandra
University Ave
McKernan

Boundary Map

feet
0
1000
2000
0
500

City of Edmonton
Planning Department
Community Planning Branch
July 1978

CASE STUDY 15: GROVE MEADOWS (SPRUCE GROVE)

15.1 Introduction

This case study analyses the Stage I approval process for the Grove Meadows neighbourhood in the Town of Spruce Grove in the Edmonton Metropolitan region. The Developer, Groveco Developments Ltd. sought approval for 266 building lots on an 89.63 acre parcel to the east of the existing built-up area of the Town of Spruce Grove.

The Edmonton Regional Planning Commission processed the Subdivision by Plan Application which was approved by the Subdivision Committee of the Edmonton Regional Planning Commission.

15.2 Findings

The Grove Meadows subdivision in Spruce Grove is an example of an application processed without major delays. There was a minor delay in the Subdivision by Plan procedure.

15.2.1 Process

There are several important variations in the normal sequence of the approval process. First, the Subdivision Plan was approved prior to the approval of an Area Structure Plan. Secondly, the application was approved before the completion of the General Municipal Plan for Spruce Grove.

The developer presented a conceptual plan of the subdivision at the time of the annexation hearings and apparently satisfied the authorities that an Area Structure Plan was unnecessary.

In its recommendations to the Edmonton Regional Planning Commission Subdivision Committee, the Town of Spruce Grove supported the application with the argument that the application would not compromise the General Municipal Plan and "would not prejudice the future planning for and development of the Town of Spruce Grove."

Another supporting argument from the Edmonton Regional Planning Commission committee minutes is "... in order to promote competition among developers in town and not unduly delay development ...".

15.2.2 Regulations and the Application of Regulations

Although the policies imbedded in an Area Structure Plan were not applied the normal complement of regulations were attached through the conditional approval of the application.

Apparently the developer had persuasive arguments which were accepted by the approving authorities.

15.3 Summary and Conclusion

15.3.1 Summary of Findings

15.3.1.1 The Grove Meadows application was processed without the prior approval of an Area Structure Plan and while the General Municipal Plan for Spruce Grove was being processed.

15.2.1.2 The Subdivision by Plan application exceeded the statutory maximum limit and required an extension

15.3.2 Conclusion

Approving authorities are open to persuasive arguments of developers in order to hasten the approval process.

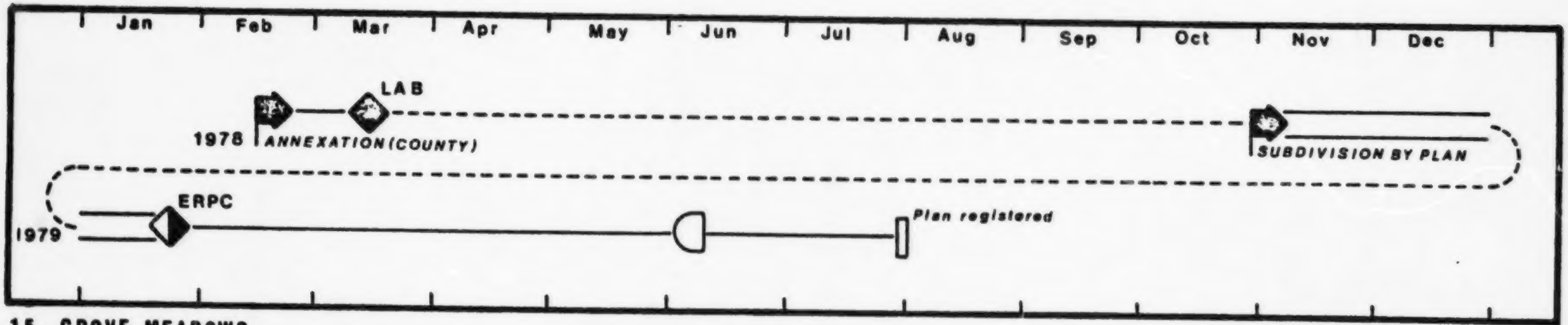
Costs of Delay

Sales of land in this project occurred in February, 1978, prior to annexation at $9,000 per acre and in March, 1978, subsequent to annexation at $40,000 per acre. The entire project covers 89.63 acres. Since no delays in processing the project occurred, the money costs of delay are zero.

15.4 Chronology of Significant Events

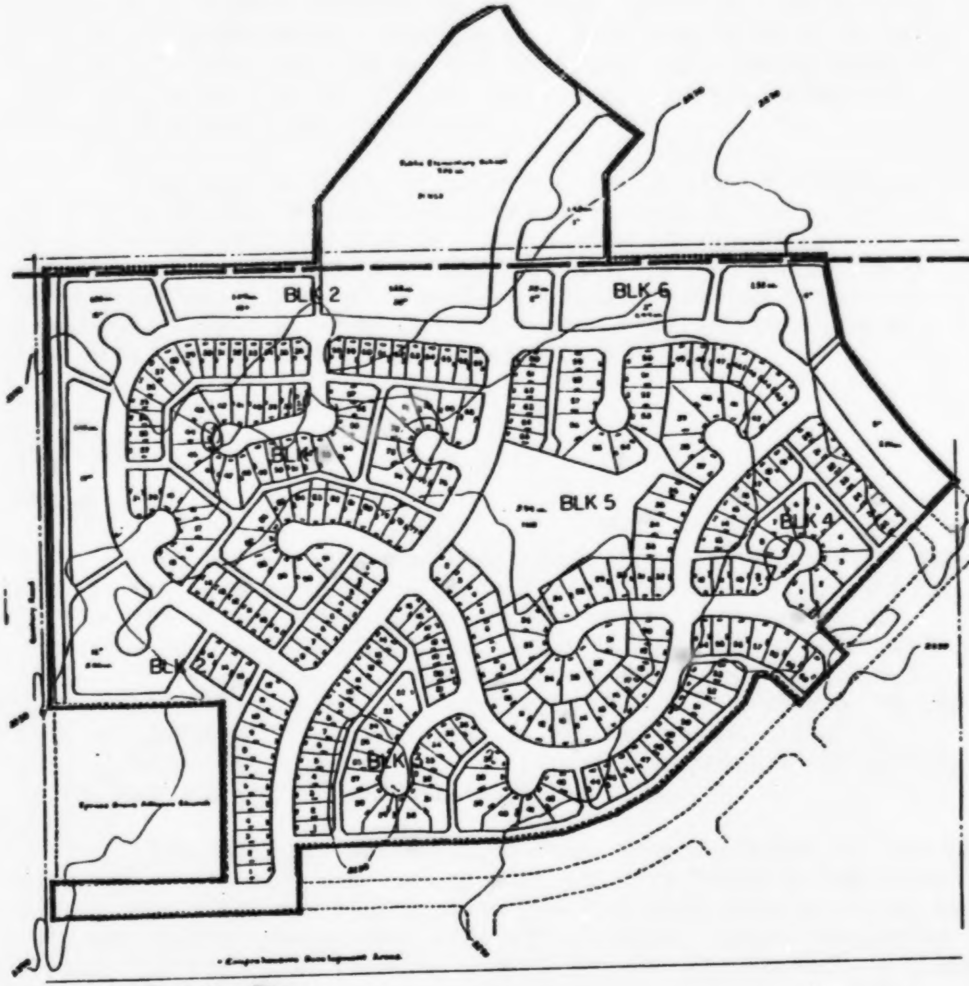
Feb.		1978	County of Parkland Applies to Local Authorities Board for Annexation
Mar.	15	1978	Local Authorities Board Approves Annexation Application
Oct.	30	1978	Developer Submits Tentative Subdivision by Plan Application - developer is proceeding without approval of Area Structure Plan - Spruce Grove Town Council awaiting General Municipal Plan as well
Nov.	14	1978	Edmonton Regional Planning Commission Staff Accept Subdivision by Plan Application as Complete - statutory maximum--sixty days to decision
Jan.	24	1979	Edmonton Regional Planning Commission, Subdivision Committee Conditional Approval of Subdivision - Spruce Grove Town Council satisfied that "development of this subdivision as proposed could be accommodated by the Town's existing services and that the design, location and physical development of it at this time would not prejudice the future planning and development of the Town of Spruce Grove."
Feb.	5	1979	Edmonton Regional Planning Commission Staff Notice of Decision
June	11	1979	Developer/Town Development Agreement Executed
June	12	1979	Town Letter Sent Conditions Met
June	13	1979	Developer Submits Linen Plan
June	14	1979	Edmonton Regional Planning Commission Endorses Linen Plan
July	31	1979	Provincial Land Titles Office Plan Registered

APPENDIX 15-A



15. GROVE MEADOWS

APPENDIX 16-B


BLK 2
BLK 6
BLK 1
BLK 5
BLK 4
BLK 2
BLK 3

Tentative Plan
of Subdivision
Spruce Grove - Phase I

GROVECO
DEVELOPMENTS LTD.

CASE STUDY 16: SKY-VUE DRIVE-IN (OTTEWELL PLACE)

16.1 Introduction

This case study analyses the rather unique process of development control through the declaration of the site to be a Residential Experimental Development. This vehicle is achieved by Ministerial Order pursuant to Section 155 of the Alberta Planning Act. Only a half-dozen of these areas have been proclaimed and subsequently processed in Edmonton.

The Sky-Vue Drive-In (Ottewell Place) site was developed in 1977 by Nu West Development Corporation on a 17.9 acre parcel of land which had been used as a Drive-In movie establishment. The site was surrounded by a 1960's single family subdivision on three sides while a major arterial roadway formed the eastern boundary of the site. The Drive-In was a non-conforming use as the parcel was zoned R-1 (see Appendices B and C).

16.2 Findings

16.2.1 Process

The Sky-Vue Drive-In development followed a procedure rarely used in the land development process. The process is pursuant to Section 155 of the Planning Act which provides a mechanism to encourage the development of low cost housing on an experimental basis--the Residential Experimental Development Area (R.E.D.A.). This development proposal was the second R.E.D.A. processed by the City of Edmonton. The procedure, as defined in the statutory provisions of the Planning Act, is intended to provide flexibility in the application of land use regulations.

The Developer spent four months, from September to December, 1975, in preliminary discussions with the City Planning Department. During this time, modifications to the Plan were made according to City Administration and Area Resident concerns. After proceeding through the Municipal Planning Commission and City Council, a request was made for Ministerial declaration of a R.E.D.A. (July, 1976). One month later the Ministerial Orders were issued, and the Provincial regulations governing land uses and development were thereby circumvented.

This procedure was necessary to allow the unconventional design of subdivision to be processed. It should be noted that the developer utilized the "Procedures and Criteria for Reviewing Innovative Housing Proposals" which was approved by the Municipal

Planning Commission on May 29, 1975 and passed by Council resolution on June 10, 1975.

16.2.2 Delays and 16.2.3 Causes of Delays

Because R.E.D.A.'s are unique development applications where standard regulations are deemed inappropriate it is unfair to imply that the procedure followed by Nu West for the Ottewell Place development was unduly delayed. In fact the opposite is the more likely observation. The processing time from formal application through final approval was 9 months. The turn-around on the request for a Ministerial designation was a mere 30 days.

Considering the benefits gained from R.E.D.A. designation, it would appear that the application was processed rather expeditiously.

16.2.4 Regulations and the Application of Regulations

This case study demonstrates that the land use regulations have a mechanism for circumventing standard regulations in order to make the approval process more flexible. The declaration of a site as a Residential Experimental Development Area by Ministerial Order is a practical means of proceeding with innovations in land use design and development.

16.3 Summary and Conclusion

16.3.1 Summary of Findings

The Sky-Vue Drive-In (Ottewell Place) redevelopment project followed a unique procedure during the approval process. The project was processed as a Residential Experimental Development Area (R.E.D.A.).

16.3.1.1 Designation of the site as a R.E.D.A. was necessary to allow the unconventional subdivision to be processed.

16.3.1.2 Area residents were involved at an early stage in the proposal's conceptual development.

16.3.1.3 Processing time from formal application to final approval took nine months. Ministerial declaration took 30 days within this nine month period.

16.3.2 Conclusion

While the practice of declaring development sites as Residential Experimental Development Areas is seldom used, it provides a mechanism for circumventing standard regulations.

Declaration of a site as a R.E.D.A. is a practical means of proceeding with innovative land use design and development.

Considering the benefits gained from R.E.D.A. designation, it would appear that the application was processed expeditiously.

Costs of Delay

Developer failed to provide land price data. The project involved 17.9 acres. Since there was no evidence of a time delay, money costs of delay are taken to equal zero.

16.4 Chronology of Significant Events

Sept. 17 1975 Developer
Verbal Enquiry about Development Concept

- to test City's reaction to proposal

Sept. 23 1975 Developer
Submits Redevelopment Concept Proposal

- plans circulated at director level (four copies)
- plans given public exposure to area residents

Sept. 26 1975 Developer/Administration
Meeting
Proposal Discussed

Oct. 10 1975 Zoning Branch
Memo to Director, Subdivision Planning Branch
Circulation of Modified Proposed Concept Plan

- circulated at Director level (Transportation Planning, Parks & Recreation, Realty Development, and Subdivision Planning)

Oct. 16 1975 Director, Subdivision Planning Branch
Memo to Zoning Branch
Conditional Support Given

- rezoning necessary
- plan does not indicate any cost savings
- hammer head cul-de-sacs may be a problem
- concerned about density

Nov. 18 1975 Director, Zoning Branch
Memo to Director, Subidvision Planning
Revised Concept Plan Circulated to Directors

- further meeting with developer scheduled (Nov. 21)

Dec. 19 1975 Developer's Consultant
Submits Application for Subdivision by Plan and Zoning Amendment

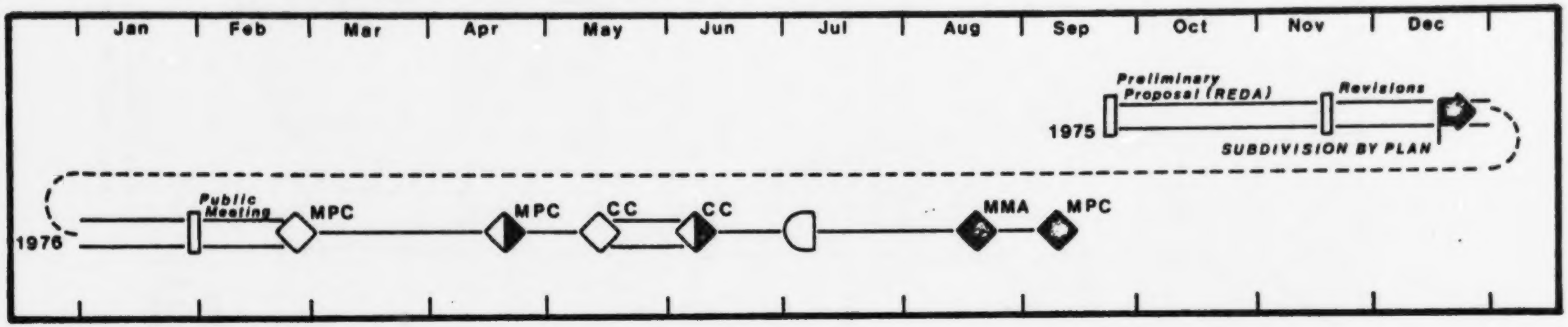
- full circulation--22 copies
- identifies need for R.E.D.A. designation

Jan. 6 1975 Subdivision Planning Branch Internal Memo
Submission Satisfactory

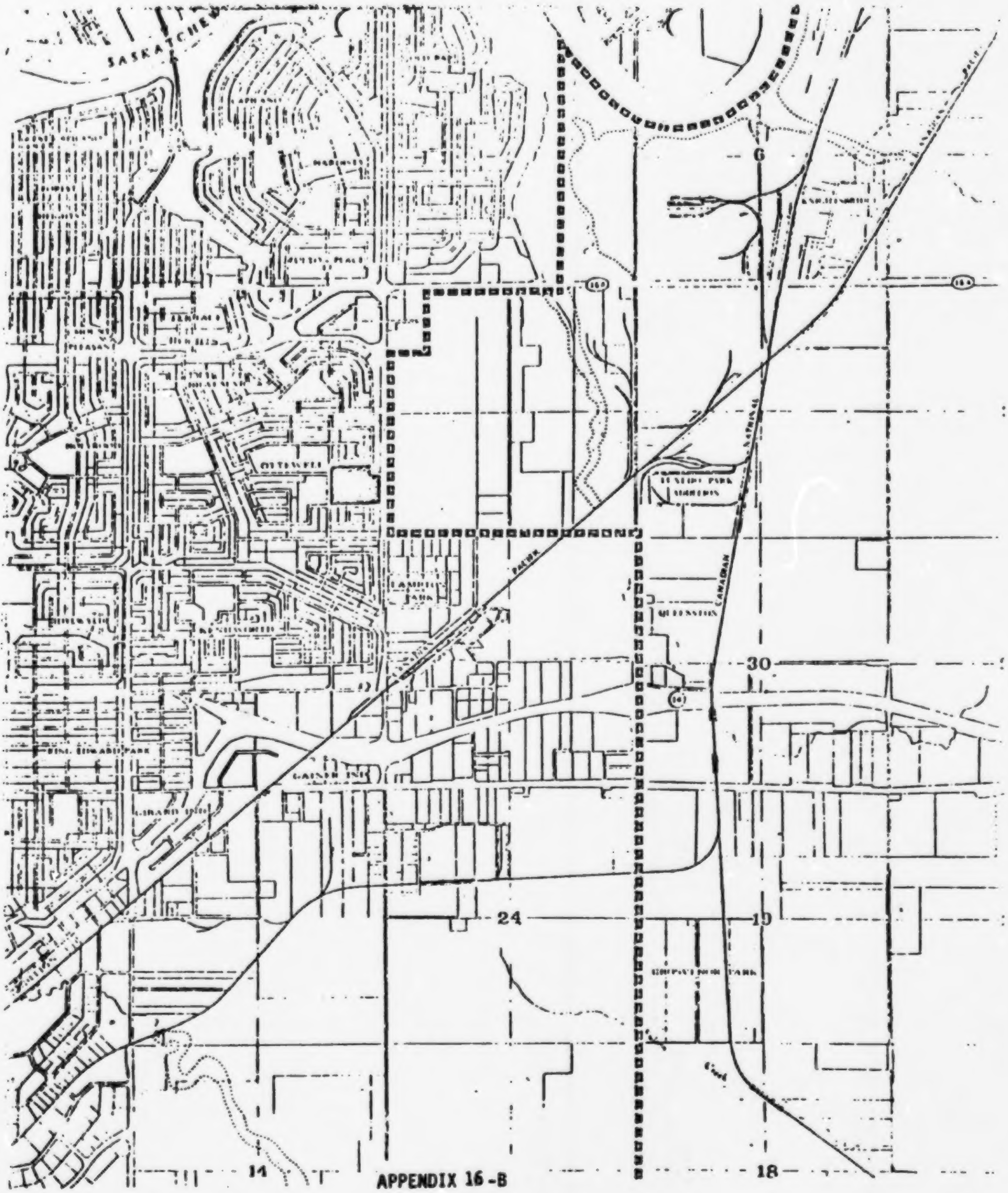
	- sufficient for City's needs - identifies proposal as "closest to the ideal among all innovative housing applications received thus far."
Jan. 29 1975	Public Meeting Presentation of Revised Plans - 250 to 300 residents in attendance - well accepted but still some concern about traffic - fears of school overcrowding allayed
Feb. 16 1976	Developer's Consultant Letter to Director, Subdivision Planning Branch Responds to Circulation Comments
Feb. 26 1976	Municipal Planning Commission Application Hearing Tabled - Planning Department requested support for the recommendations to designate the site as a R.E.D.A.
Apr. 20 1976	Municipal Planning Commission Application Raised from Table Recommends Conditional Approval of Application to the Minister of Municipal Affairs for Designation as a R.E.D.A.
May 14 1976	City Council Hears Area Resident Appeal Application Referred to Public Affairs Committee
June 1 1976	Public Affairs Committee Studies Area Resident Appeal Recommends that Council Not Approve Application - application defeated on a tie vote
June 8 1976	City Council Concurred in Motion to Make Application to the Minister for R.E.D.A. Designation - hears application and makes recommendation without Public Affairs Committee support
July 8 1976	Developer/City Development and Servicing Agreement Executed
July 16 1976	Commissioner of Public Affairs Application to Minister for Designation of R.E.D.A.

July	19	1976	Minister of Municipal Affairs Grants R.E.D.A. Designation - Ministerial Order 368/76 declares R.E.D.A. - Ministerial Order 369/76 waives Provincial and Municipal regulations
Sept.	9	1976	Municipal Planning Commission Approves Subdivision by Plan
Nov.	2	1976	Secretary, Municipal Planning Commission Signs Linen Plans

APPENDIX 16-A



16. SKY-VUE DRIVE-IN

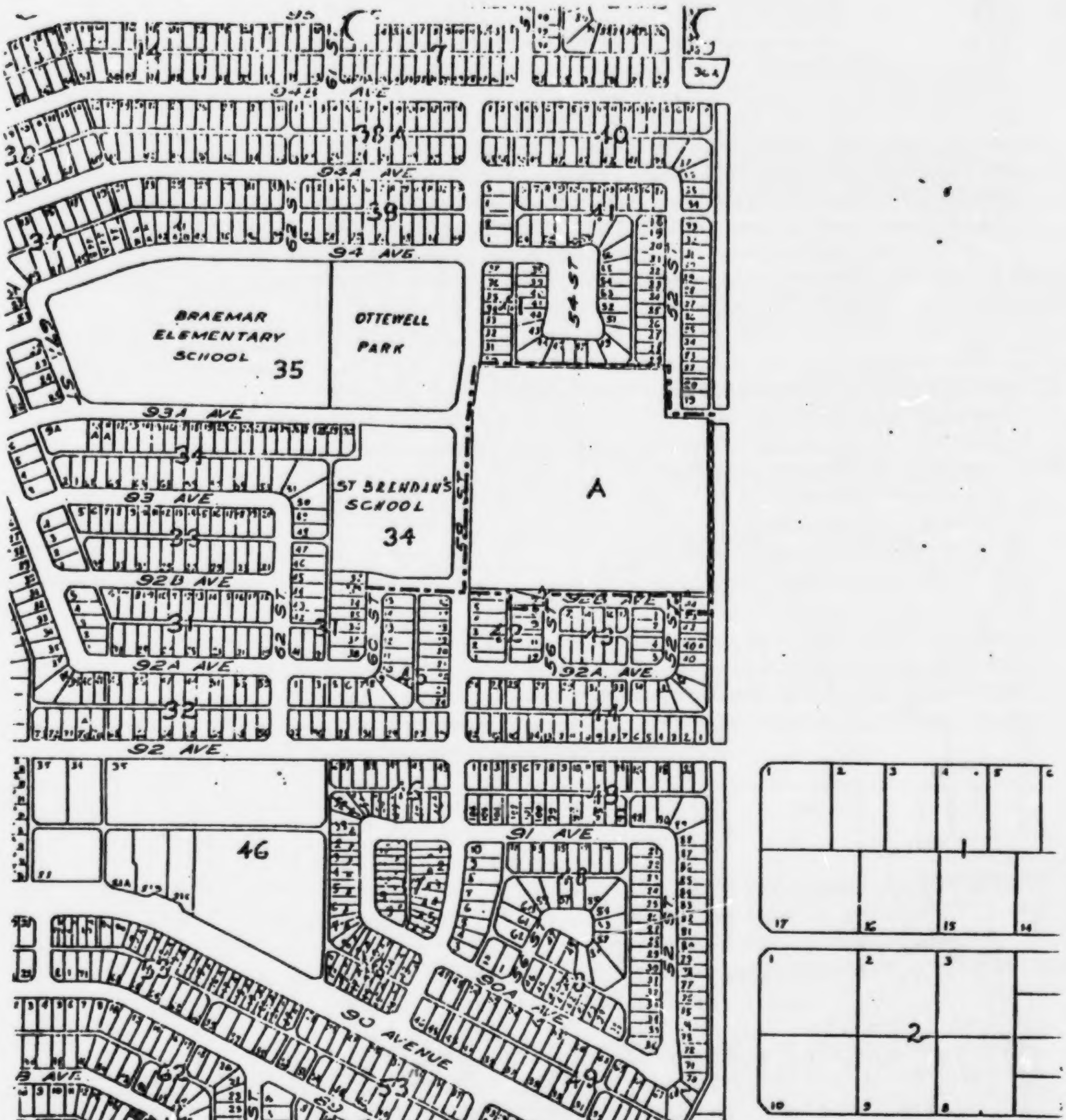

SASKATCHEW
6
OTTEWELL
QUEENSTON
CANADIAN
NATIONAL
30
24
19
14
18

APPENDIX 16-B

VICINITY MAP

Subdivision name; OTTEWELL PLACE

City Planning Department
Date; SEPT 9, 1976


94B AVE
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93A AVE
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41
37
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BRAEMAR ELEMENTARY SCHOOL
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OTTEWELL PARK
93A AVE
34
ST BRENDAN'S SCHOOL
34
A
93 AVE
33
92B AVE
31
92A AVE
32
43
42
92A AVE
44
92 AVE
46
48
91 AVE
90A AVE
90 AVENUE
53
1
2

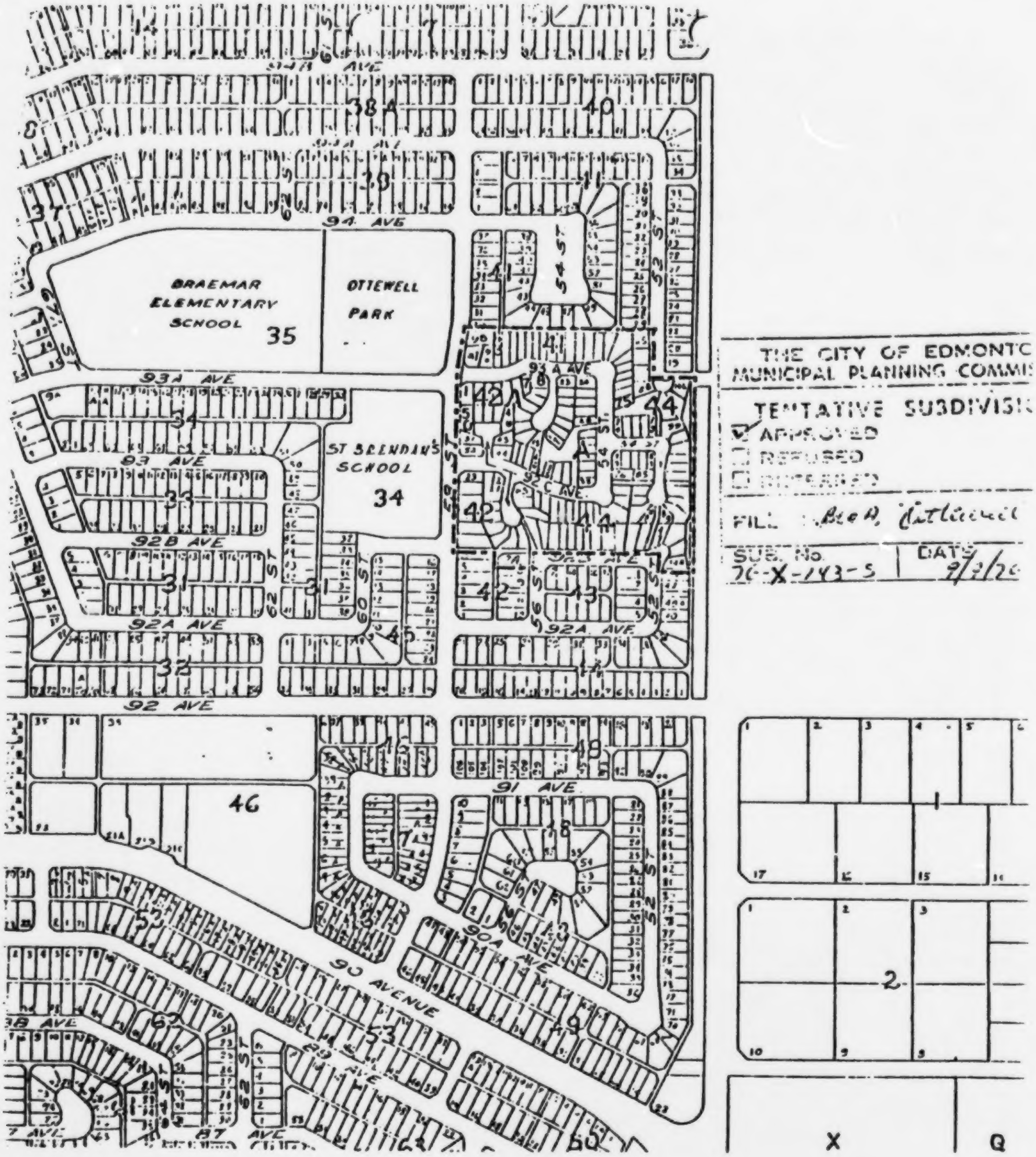
LIMIT OF EXISTING SUBDIVISION

APPENDIX 16-C

EXISTING SUBDIVISION

Subdivision name; OTTEWELL PLACE

City Planning Department
Date; SEPT 9, 1976


94B AVE
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THE CITY OF EDMONT
MUNICIPAL PLANNING COMMI

TENTATIVE SUBDIVISI
☑ APPROVED
☐ REFUSED
☐ DEFERRED

FILE Blk A, Ottewell

SUB. No. 76-X-143-S
DATE 9/9/7

—·—·— LIMIT OF PROPOSED SUBDIVISION.

APPENDIX 16-D

PROPOSED SUBDIVISION

Subdivision name; OTTEWELL PLACE

City Planning Departmen
Date; SEPT 9, 1976

CASE STUDY 17: BEARSPAW (YELLOWBIRD-KASKITAYO)

17.1 Introduction

This case study examines the applications for the Bearspaw neighbourhood (Yellowbird II - Kaskitayo) for both the Neighbourhood Outline Plan approval process and the Subdivision by Plan process. The Bearspaw subdivision consists of 191.88 gross developable acres within the Kaskitayo Outline Plan area. The application for a Neighbourhood Outline Plan by Nu West Developments Limited and Wimpey Western Limited, as a joint venture, was submitted in April 1978 and received conditional approval in July, 1978.

The Subdivision process was split into two stages, owing to site complications. The Stage I Subdivision by Plan was approved within the two month statutory limitation. The Stage II application was processed four months later. The developer granted an extension to the statutory limitation.

17.2 Findings

The Neighbourhood Outline Plan for the Bearspaw neighbourhood was processed in the spring and summer of 1978 within the six month maximum estimate. Because there were problems with the Subdivision Plan, the developer agreed to split the Subdivision by Plan application into two stages.

17.2.1 Process

The Neighbourhood Outline Plan was processed in a rather straightforward manner. It should be noted that a previous submission had been informally withdrawn. The Neighbourhood Plan approved contained an innovative storm water drainage system which complicated the ordinary processing of the application.

The feasibility of pipeline relocation was explored while the developer submitted an application for Subdivision by Plan for the neighbourhood. Because the pipeline negotiations threatened to hold up the process, the Planning Department requested and received a letter of extension from the developer, pursuant to Section 103(2)b of the Planning Act 1977.

At the Municipal Planning Commission meeting of September 21, 1978, the application was split into two stages. (In fact, there is a third stage yet to be subdivided, which is a small fragment of the of the neighbourhood.) The first stage, which covered slightly more than half of the neighbourhood, received conditional approval at this point. In November, a Development Agreement was executed covering this first stage of the neighbourhood.

By December 1, 1978, it was decided that the pipeline relocation would be too costly, so the developer proceeded with the Stage II application, accounting for the pipeline easement in his application. Three weeks later the Municipal Planning Commission conditionally approved the Stage II Subdivision by Plan.

One of the conditions attached to the Municipal Planning Commission approval of the subdivision dealt with a road closure on the southern boundary of the subdivision. By April, 1979 it had been revealed that the City lacked the authority to close all of the roadway in question since half of the road was outside the City's jurisdiction. By May, a solution to the conundrum had been worked out with the County of Strathcona. The Municipal Planning Commission amended its conditional approval of the Subdivision by Plan accordingly on July 5, 1979. On August 15, 1979, City Council further amended the Development Agreement executed in November 1978 for Stage I in order to incorporate the Stage II subdivision.

17.2.2 Delays

Delays in the process carried out were minimal. Table 21.1 displays the maximum estimated time periods with actual times elapsed. A delay in approving the Stage II subdivision is indicated; however, this is calculated from the date of formal application for the entire neighbourhood. It should be noted that once the developer had decided on how to deal with the pipeline, the Municipal Planning Commission approved the Stage II Subdivision Plan within three weeks. This three weeks is close to the minimum time needed to prepare the documentation for the proposal in Municipal Planning Commision format and schedule the item on the agenda.

17.2.3 Causes of Delays

Application Problems: The significant factor here is the problem associated with site constraints. The feasibility of relocating an existing pipeline was explored, which held up the approval of a portion of the neighbourhood.

Jurisdictional Problems: The territorial split or municipal jurisdiction is a constant source of problems in land use management. The closure of the roadway, approved by the Municipal Planning Commission as a condition of subdivision, required negotiations with the adjacent county and amendment of the subdivision plan before it could be properly carried

TABLE 17.1

PLAN PROCESSING DELAYS (Bearspaw)

Event	Actual Processing Time	Maximum Estimate	Delay
Neighbourhood Outline Plan	4 months	6 months(1)	Nil
Subdivision by Plan Stage I	2 months	2 months(2)	Nil
Subdivision by Plan Stage II	5 months	2 months	3 months

(1) Administration Estimate

(2) Statutory time limit

out. However, in this case, the impact of this problem was insignificant. Often the servicing of land is undertaken while formal approval is being sought, hence the impact of this road closure upon the physical development of the land was negligible. This delay was of importance only to the paperwork of the formal approval process.

17.2.4 Regulations and the Application of Regulations

The willingness of the Municipal Planning Commission to split the subdivision into sections shows that the body is ready to facilitate early servicing and development of land. Apparently this attitude is helpful to the development industry in the sense that problems with a particular portion of the subdivision are not perceived by the Municipal Planning Commission as necessitating the delay of an entire subdivision or neighbourhood.

17.3 Summary and Conclusion

17.3.1 Summary of Findings

17.3.1.1 The Neighbourhood Outline Plan was processed in a rather straightforward manner, even considering that the application contained an innovative storm water drainage system which complicated ordinary processing.

17.3.1.2 The Subdivision by Plan application was split into stages in order to facilitate quick servicing and development while pursuing negotiations to relocate a pipeline.

17.3.1.3 Once a decision on the pipeline relocation was made by the developer, the Stage II subdivision was readily processed.

17.3.1.4 An overall delay of three months in approval time can be assessed to a portion (94.7 acres) of the total (191.88 acres) neighbourhood.

17.3.2 Conclusion

The Municipal Planning Commission had an apparent willingness to facilitate the development and servicing of land, when the developer ran into difficulties with negotiations over a pipeline relocation. Municipal Planning Commission will usually approve most of a subdivision in order to set the process moving and leave fragments which have problems--these latter components usually require extension agreements, but cannot normally be interpreted as unnecessary delays.

Costs of Delay

Developer failed to provide land price data. Interpolating from the Grove Meadows/Ramsay Heights land sale data a value of $50,000 per acre can be estimated. Although the entire project encompassed 191.9 acres only 94.7 acres were subject to approval process delays. The delay on this portion was three months. Cost of funds to developers can be estimated at ten per cent prime rate plus a two per cent risk premium for a total of twelve per cent. Delaying the receipt of $4,735,000 for three months amounts to a money costs of delay of $142,000.

17.4 Chronology of Significant Events

Oct.	23	1973	City Council Approves Kaskitayo District Outline Plan (see Appendix C)
Mar.	20	1978	Developer's Consultant Re-Submits Neighbourhood Outline Plan Proposal - a previous submission was informally withdrawn; no dates available - should take maximum of six months processing time
Apr.	25	1978	Planning Department Circulates Application - contains innovative storm water system
June	14	1978	Developer's Consultant Letter to City Realty Development Office Clarifies Design Concept of Storm Water System
June	21	1978	Technical Review Committee Considers Neighbourhood Outline Plan Application
July	11	1978	Planning Department Letter to Law Department Requests Opinion on Liabilities of Storm Water System
July	13	1978	Municipal Planning Commission Conditional Approval of Neighbourhood Outline Plan - within maximum time limit
July	19	1978	Developer's Consultant Letter to Energy Resources Conservation Board Requests Assistance with Matter of Pipeline Relocation - relocation of pipelines is necessary in order to accommodate the development of plan area for residential use
July	25	1978	City Law Department Letter to Director, Current Planning Branch Replies to Request in Letter of July 11 - two sets of legal problems identified
July	26	1978	Developer's Consultant Submits Application for Subdivision by Plan - statutory time limit: two months (Sept. 26 deadline)

July 31 1978 Planning Department
Circulates Subdivision by Plan Application

- in conformity with Neighbourhood Outline Plan
- compare Appendix D with Appendix F

Sept. 18 1978 Developer's Consultant
Letter to Municipal Planning Commission
Agrees to Four Month Extension for Subdivision by Plan Approval

Sept. 21 1978 Municipal Planning Commission
Conditional Approval of Stage I of Subdivision by Plan

- approved within statutory time frame
- subdivision split into two stages (Appendix F)
- Stage II has an area of 94.7 acres
- Stage II issues to be resolved: pipeline relocation and road closure

Nov. 28 1978 City/Developer
Development and Servicing Agreement Executed for Stage I

Dec. 1 1978 Developer's Consultant
Submits Application for Subdivision by Plan: Stage II (see Appendix G)

- negotiations for pipeline relocation failed

Dec. 21 1978 Municipal Planning Commission
Conditional Approval of Subdivision by Plan: Stage II

- plan amended to incorporate pipeline corridor into subdivision

Mar. 29 1979 Developer's Consultant
Submits Final Linen Plans

Apr. 10 1979 Secretary, Municipal Planning Commission
Signs Linen Plans

Apr. 11 1979 City Administration
Interdepartmental Memo
City Lacks Authority to Close All of Roadway

- solution necessary--linen plan cannot be signed

May 22 1979 Director, Current Planning
Memo to Law Department
Suggests Solution to Road Closure Problem

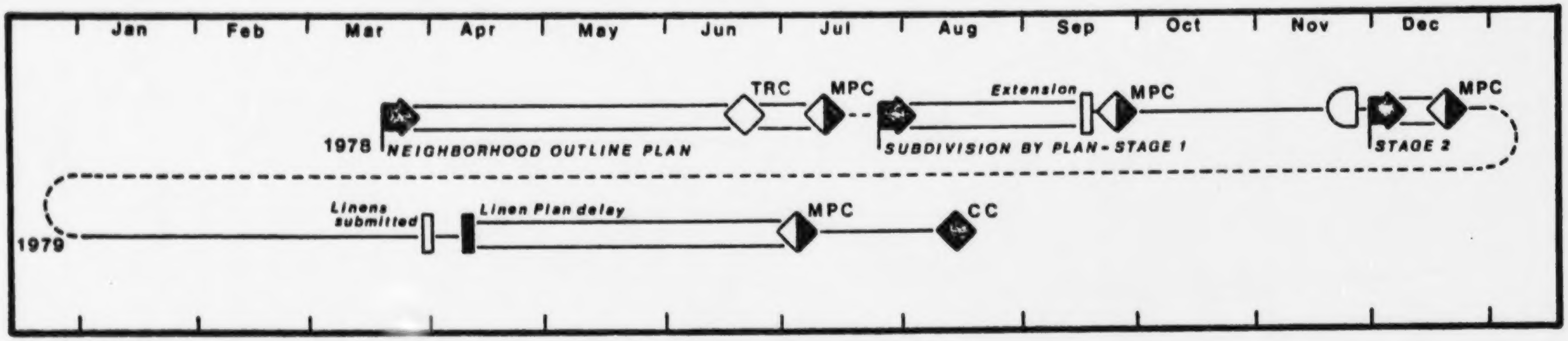
July 5 1979 Municipal Planning Commission
Amends Subdivision Approval

- incorporates road closure solution negotiated with developer

Aug. 15 1979 City Council
Amends Development Agreement

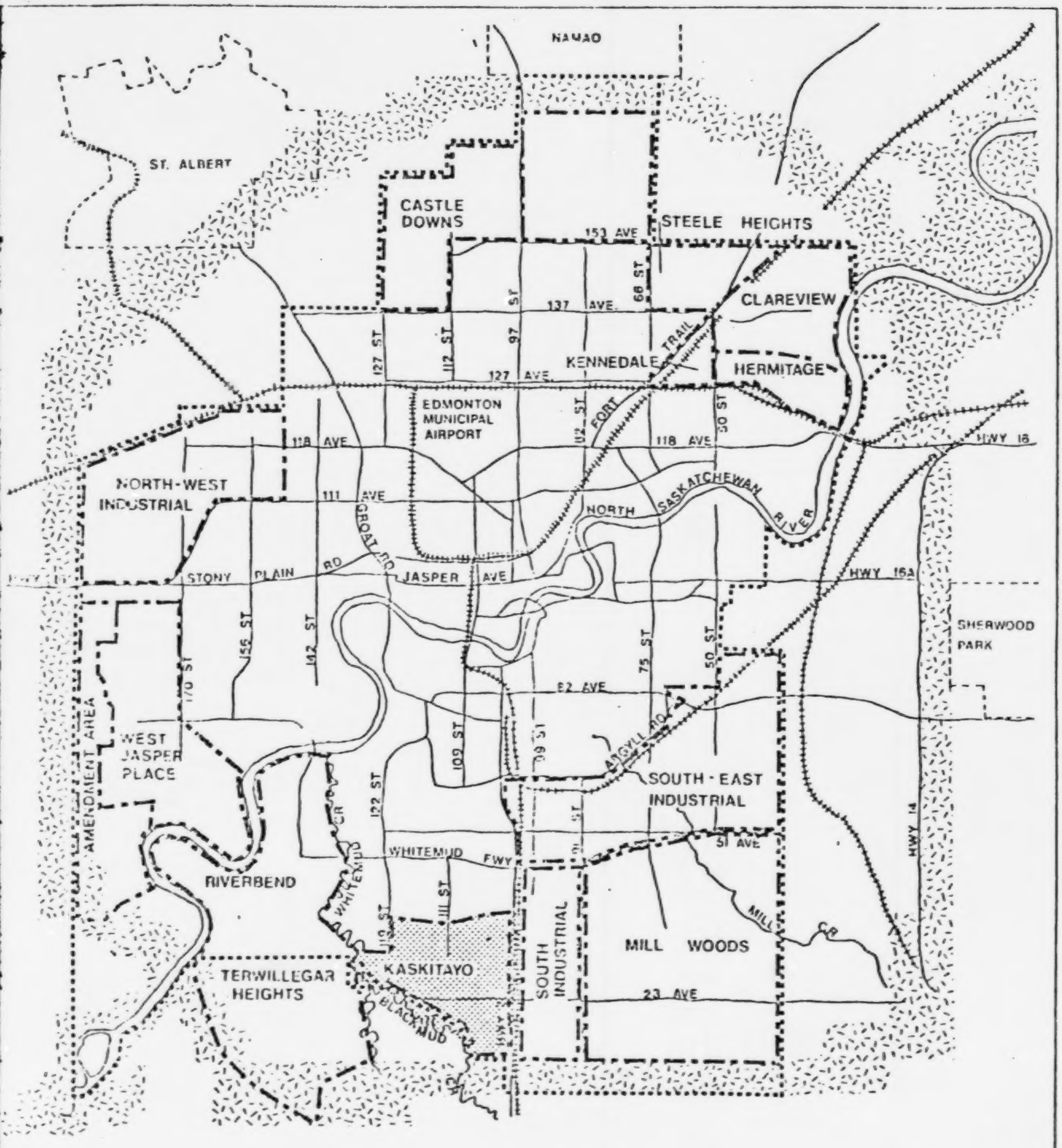
- incorporates Stage II of Bearspaw Neighbourhood

APPENDIX 17-A



17. BEARSPAW

APPENDIX 17-B


NAMAO
ST. ALBERT
CASTLE DOWNS
STEELE HEIGHTS
153 AVE
66 ST
CLAREVIEW
137 AVE.
127 ST
112 ST
97 ST
KENNEDALE
HERMITAGE
127 AVE
FORT TRAIL
EDMONTON MUNICIPAL AIRPORT
112 ST
50 ST
118 AVE
118 AVE
HWY 16
NORTH-WEST INDUSTRIAL
111 AVE
GROAT RD
NORTH SASKATCHEWAN RIVER
HWY 16
STONY PLAIN RD
JASPER AVE
HWY 16A
SHERWOOD PARK
170 ST
155 ST
142 ST
75 ST
50 ST
82 AVE
AMENDMENT AREA
WEST JASPER PLACE
109 ST
99 ST
ARGYLL RD
SOUTH - EAST INDUSTRIAL
122 ST
WHITEMUD CR
WHITEMUD FWY
91 ST
51 AVE
RIVERBEND
111 ST
119 ST
MILL CR
MILL WOODS
HWY 14
KASKITAYO
SOUTH INDUSTRIAL
TERWILLEGAR HEIGHTS
BLACKMUD CR
HWY
23 AVE

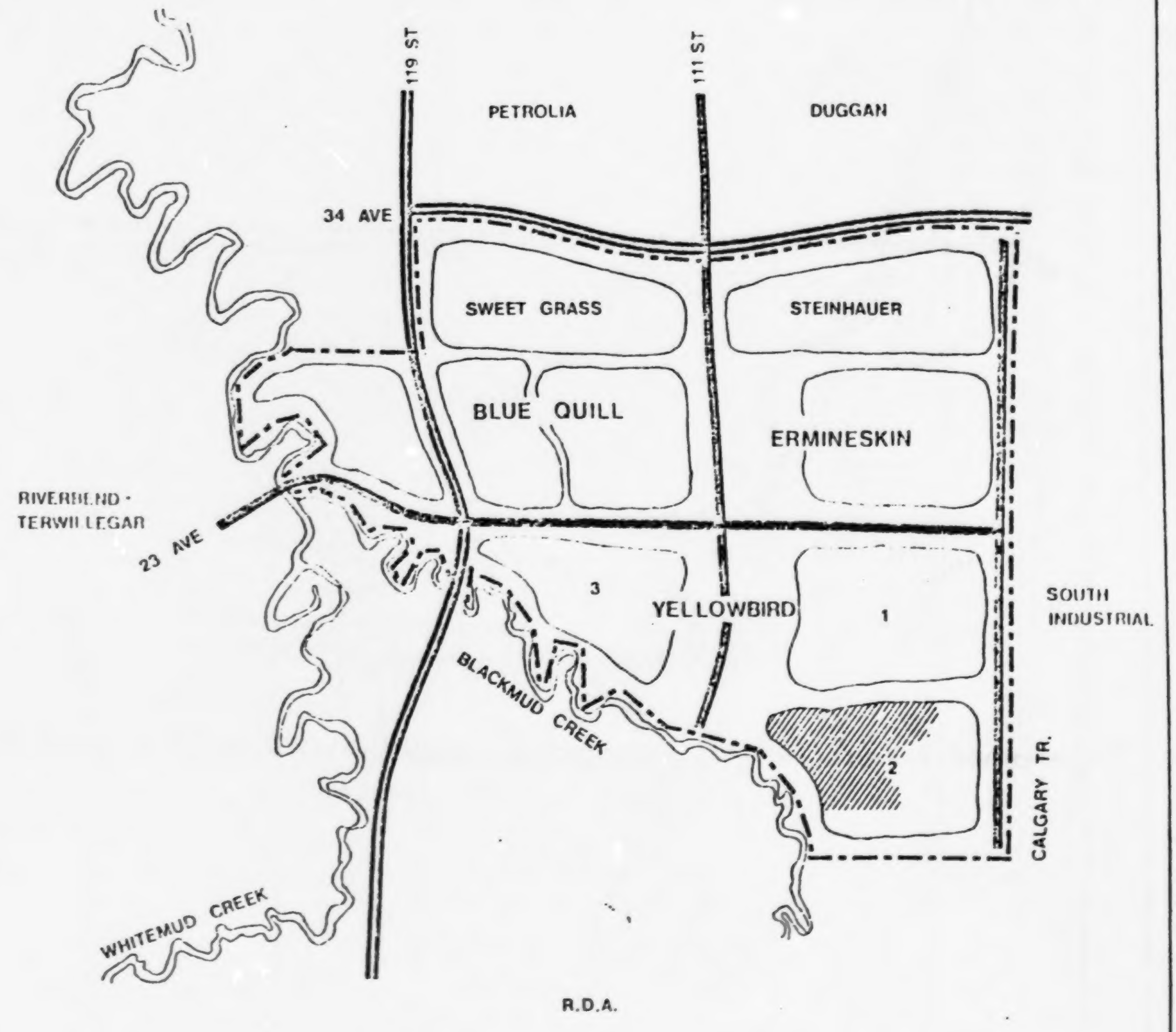
VICINITY

N

▨ Kaskitayo

LAND USE PLANNING BRANCH
PLANNING

APPENDIX 17C

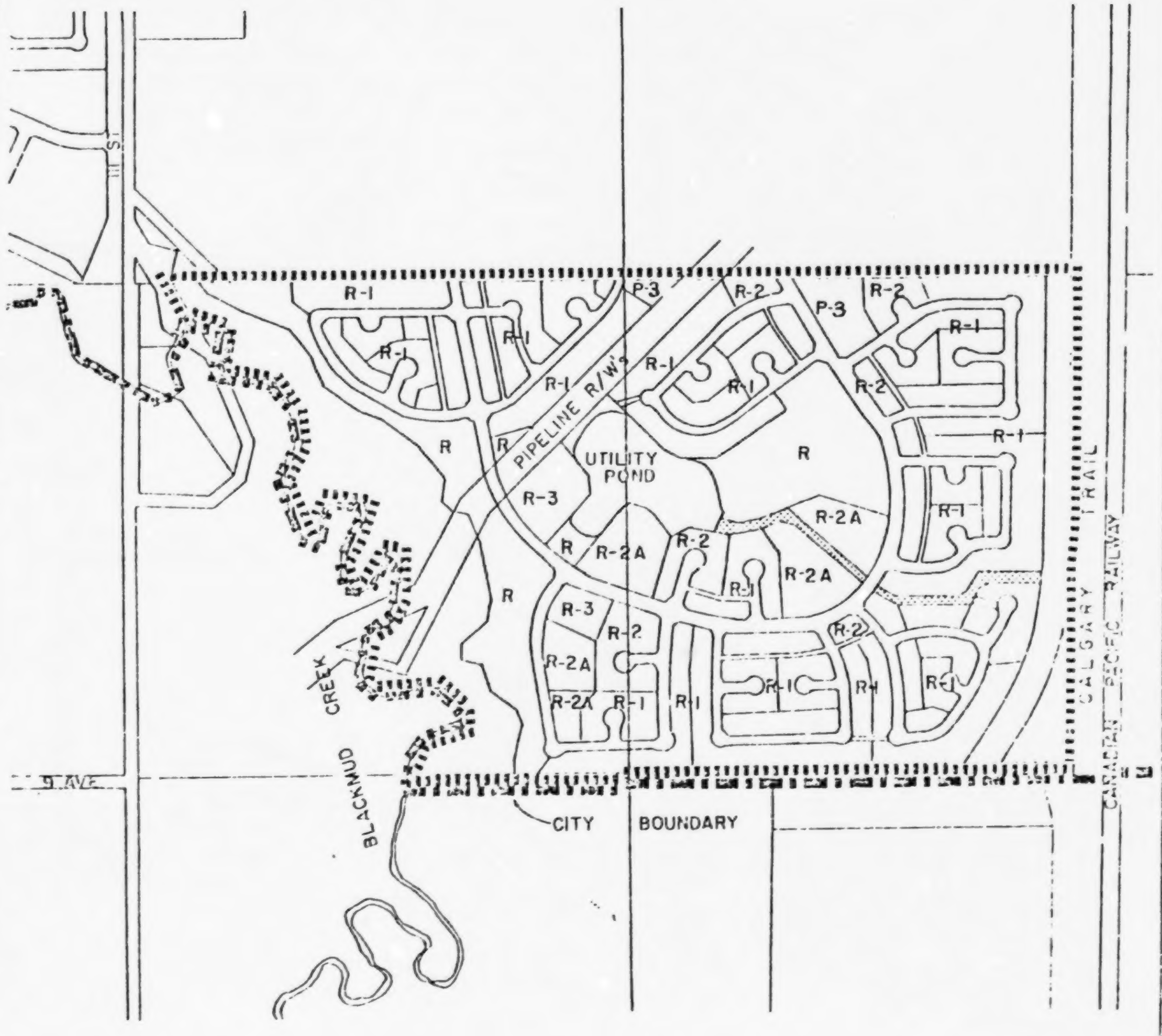

119 ST
111 ST
PETROLIA
DUGGAN
34 AVE
SWEET GRASS
STEINHAUER
BLUE QUILL
ERMINESKIN
RIVERBEND - TERWILLEGAR
23 AVE
3
YELLOWBIRD
1
SOUTH INDUSTRIAL
BLACKMUD CREEK
2
CALGARY TR.
WHITEMUD CREEK
R.D.A.
N

KASKITAYO

▨ area under consideration
-·-·- limit of district outline plan

LAND USE PLANNING BRANCH
PLANNING

APPENDIX 17-D


111 ST
R-1
P-3
R-2
R-1
R-1
R-1
R-1
R-1
P-3
R-2
R-1
R-2
R-1
PIPELINE R/W's
R
R
UTILITY POND
R
R-3
R-1
R-2A
R
R-2A
R-2
R-1
R-2A
R
R-3
R-2
R-2
R-2A
R-2A
R-1
R-1
R-1
R-1
R-1
CALGARY TRAIL
CANADIAN PACIFIC RAILWAY
CREEK
BLACKMUD
9 AVE
CITY BOUNDARY

YELLOWBIRD II

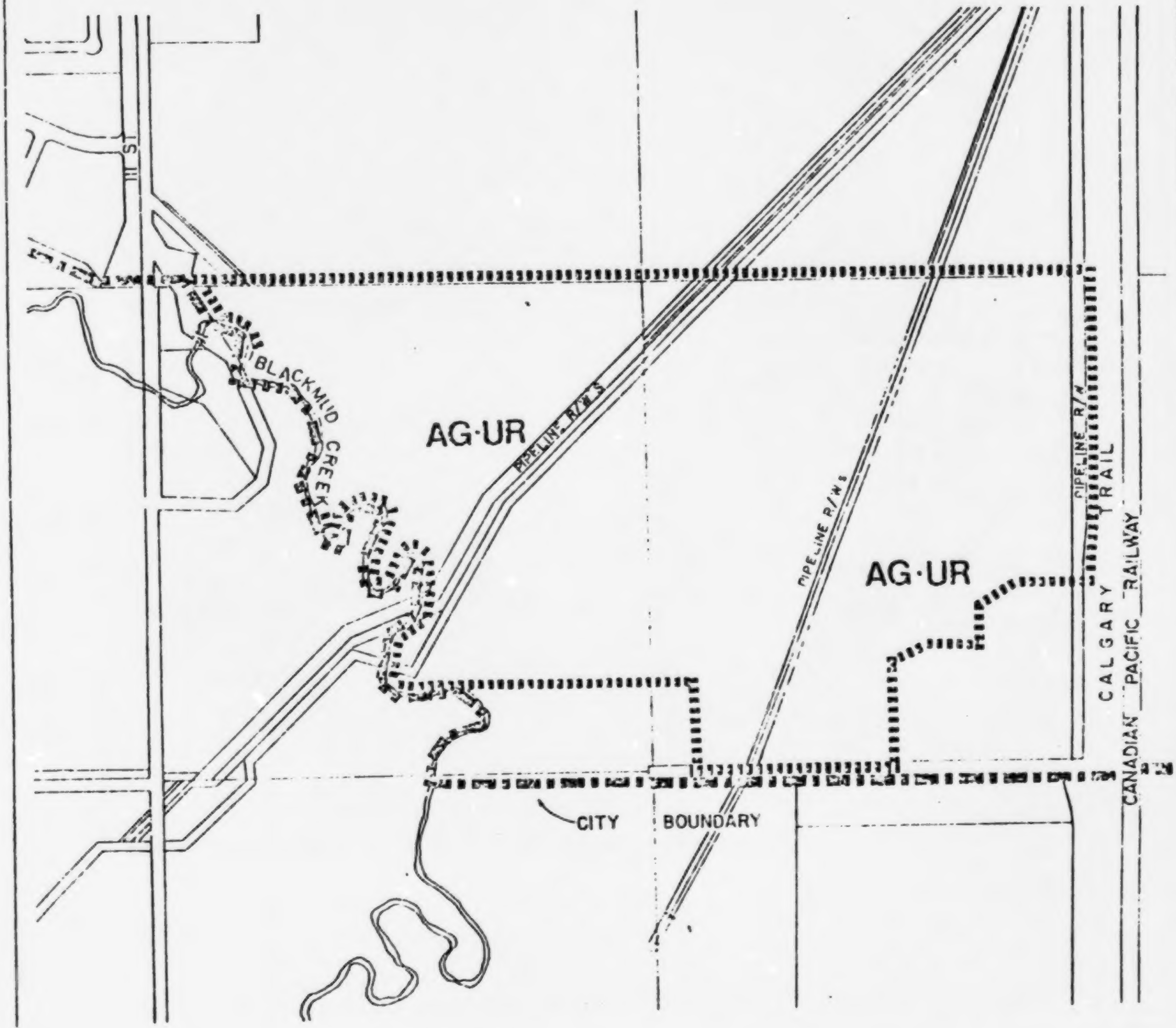
▮▮▮▮▮▮▮ limit of neighbourhood outline plan

▨ waterway

LAND USE PLANNING BRANCH
PLANNING

M.P.C. APPROVAL:
JULY 13, 1978

APPENDIX 17-E


111 ST
BLACKMUD CREEK
AG·UR
PIPELINE R/W S
PIPELINE R/W s
AG·UR
PIPELINE R/W
CALGARY TRAIL
CANADIAN PACIFIC RAILWAY
CITY BOUNDARY

EXISTING SUBDIVISION

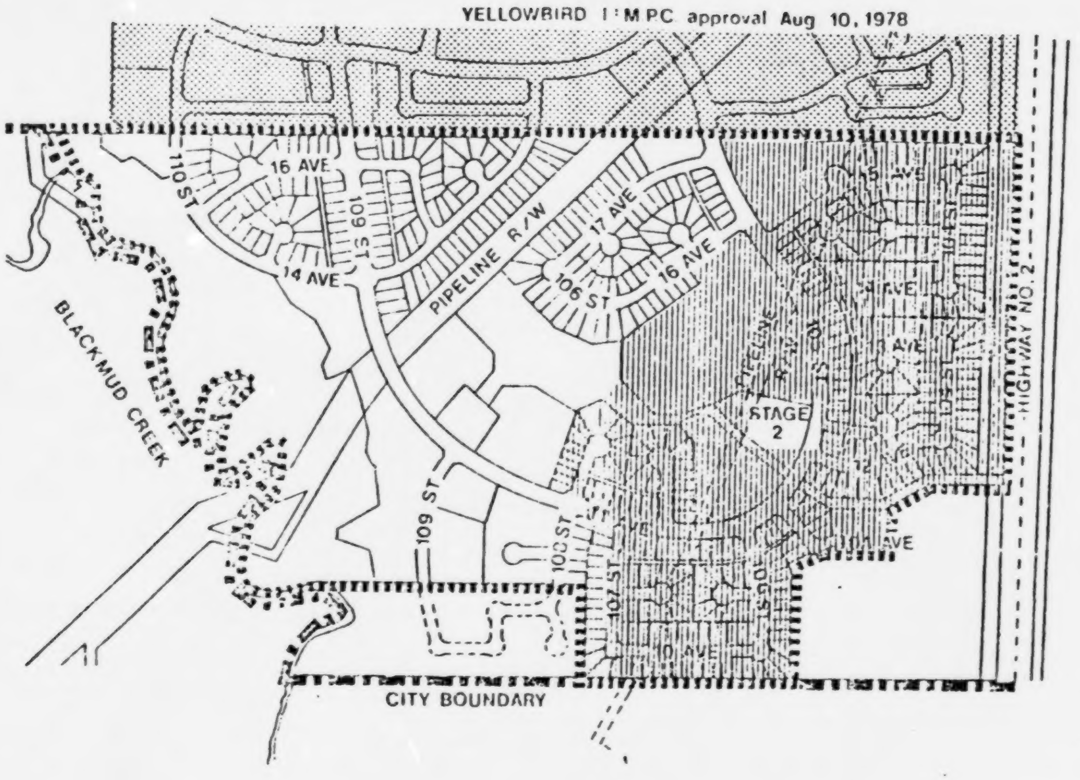
N

▪▪▪▪▪ limit of existing subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-107 S
DATE SEPT 21,1978

APPENDIX 17-F


YELLOWBIRD I M.P.C. approval Aug 10, 1978
16 AVE
110 ST
109 ST
14 AVE
PIPELINE R/W
17 AVE
106 ST
16 AVE
BLACKMUD CREEK
15 AVE
104 ST
HIGHWAY NO. 2
PIPELINE R/W
STAGE 2
109 ST
108 ST
107 ST
11 AVE
10 AVE
CITY BOUNDARY

PROPOSED SUBDIVISION

N

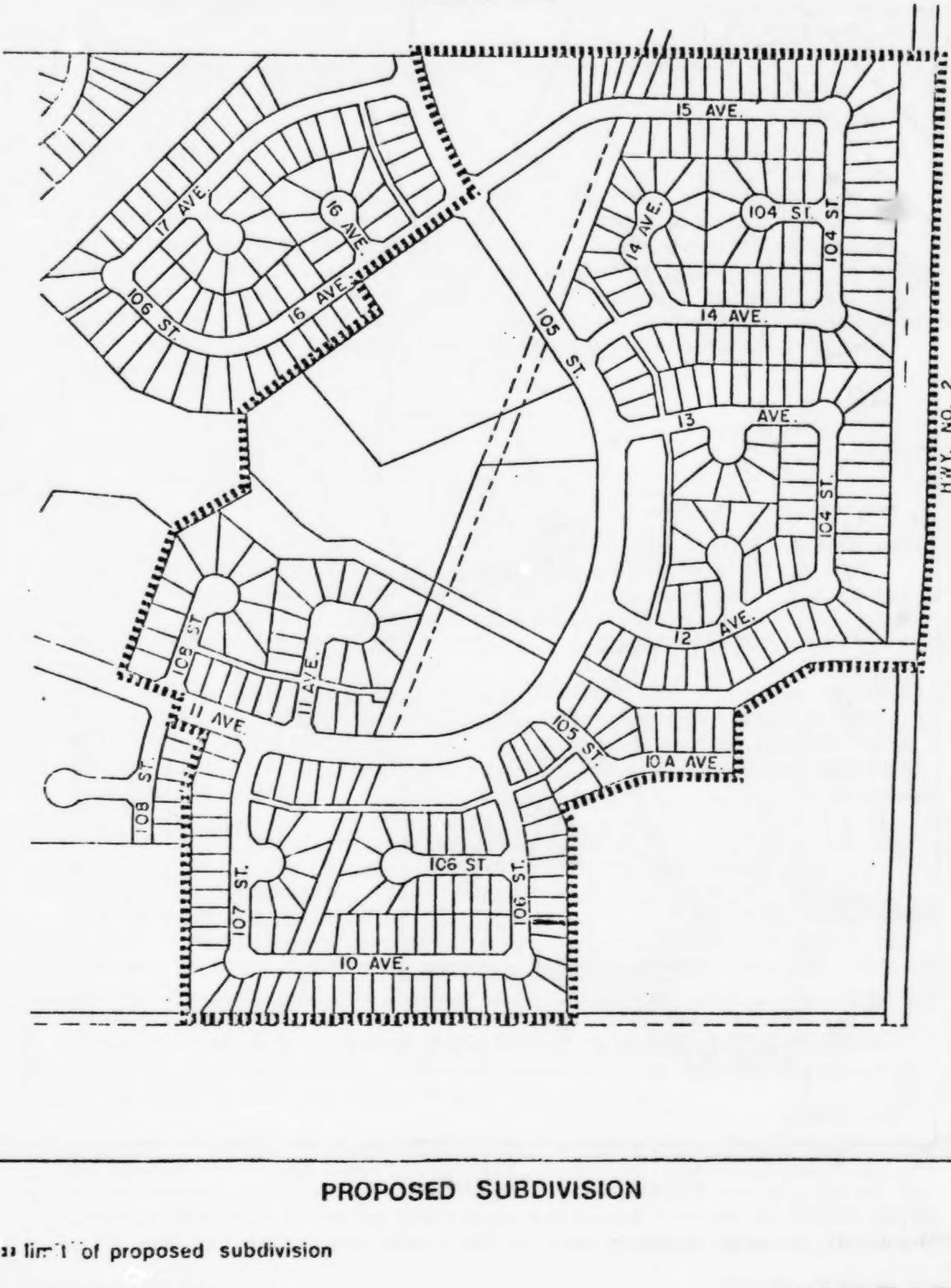
▪▪▪▪▪▪▪ limit of proposed subdivision

▨ proposed subdivision Stage 2

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-107-S
DATE SEPT 21, 1978

APPENDIX 17-G


15 AVE.
104 ST.
104 ST.
14 AVE.
14 AVE.
17 AVE.
16 AVE.
16 AVE.
106 ST.
105 ST.
13 AVE.
HWY. NO. 2
104 ST.
12 AVE.
108 ST.
11 AVE.
11 AVE.
105 ST.
10 A AVE.
108 ST.
107 ST.
106 ST
106 ST.
10 AVE.

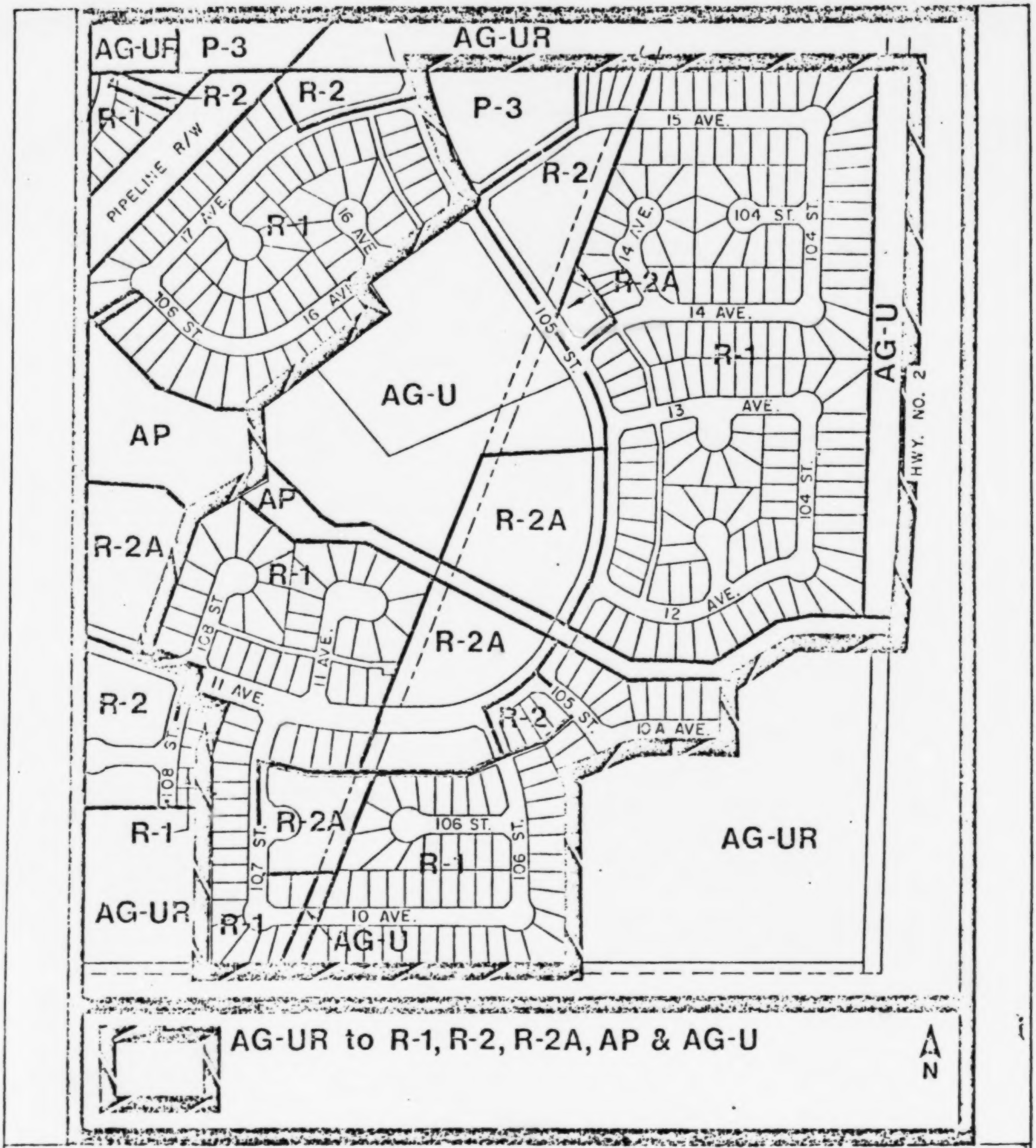
PROPOSED SUBDIVISION

N

▨ limit of proposed subdivision

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-107-S
DATE DEC. 21/78


AG-UR
P-3
AG-UR
R-2
R-2
R-1
P-3
PIPELINE R/W
15 AVE.
R-2
17 AVE.
R-1
16 AVE.
104 ST.
14 AVE.
104 ST.
R-2A
106 ST.
16 AVE.
14 AVE.
105 ST.
R-1
AG-U
AG-U
HWY. NO. 2
AP
13 AVE.
AP
104 ST.
R-2A
R-2A
R-1
108 ST.
11 AVE.
12 AVE.
R-2A
11 AVE.
R-2
105 ST.
R-2
108 ST.
10 A AVE.
108
R-1
R-2A
106 ST.
107 ST.
R-1
106 ST.
AG-UR
AG-UR
R-1
10 AVE.
AG-U
AG-UR to R-1, R-2, R-2A, AP & AG-U
N

PROPOSED REZONING

N

▨ limit of proposed rezoning

LAND USE PLANNING BRANCH
PLANNING

FILE NO. 78-X-107-S
DATE DEC. 21/78

CASE STUDY 18: WOODBRIDGE (SHERWOOD PARK)

18.1 Introduction

This case study examines the Subdivision by Plan process pursued by Nu-West Developments Ltd. in securing approval for the Woodbridge subdivision in Sherwood Park. The land parcel, which is 159.3 acres in size, is located in the Hamlet of Sherwood Park in the County of Strathcona east of the City of Edmonton. Sherwood Park is essentially a dormitory satellite community of Edmonton. The Subdivision by Plan application was processed by the Edmonton Regional Planning Commission.

18.2 Findings

18.2.1 Process

The Woodbridge Farms (Westlake) Subdivision by Plan application by Nu-West Developments was a rather straightforward affair. The Subdivision by Plan application was preceded by an application on the part of the County of Strathcona on behalf of the Developer, to secure an Amendment (zoning) to the Preliminary Regional Plan Metropolitan Part.

The application for the Regional Plan Amendment was received at the offices of the Edmonton Regional Planning Commission on April 22 1977. The Commission reached its decision in favour of the amendment on July 6, 1977. The Provincial Planning Board approved the amendment on August 23, 1977.

The Subdivision application was received August 30, 1977 and was accepted by the Edmonton Regional Planning Commission staff as complete on September 1, 1977. Hence the statutory 60 day maximum time limit for a decision by the Commission was established as November 1, 1977. Because of a complication arising from servicing agreements between the City of Edmonton which supplies sewer and water services to Sherwood Park Hamlet, and the County of Strathcona (Municipal Authority for Sherwood Park), the Subdivision Committee of the Edmonton Regional Planning Commission referred the application to the full Commission. (Normally the Subdivision Committee exercises its delegated authority as the subdivision approving body.)

It should also be noted that the developer's planning consultant had contact with the Edmonton Regional Planning Commission staff prior to the formal application. The Planner in charge of the project at the Edmonton Regional Planning Commission estimated fifteen to twenty phone calls and four to six meetings ranging from twenty minutes to two hours in the nine month period before the formal application.

18.2.2 Delays

The extra step in the approval process for the Woodbridge Farms Subdivision resulted in a one day delay. That is to say, that by the time the referral from the Subdivision Committee reached the next Commission meeting, the "deemed refusal date" had been exceeded by one day. No extension had either been sought by the Edmonton Regional Planning Commission or granted by the developer even though the process technically exceeded the 60 day maximum stipulated in the Subdivision Regulation pursuant to the Planning Act (1977). The Planner assigned to the project felt that in his overall experience, the statutory time limit of 60 days is unreasonably short.

18.2.3 Causes of Delays

18.2.3.1 Procedural Problems: Because there had been unresolved problems between the City of Edmonton and the County of Strathcona, the Subdivision Committee referred the application to the full Commission. This caused a one day delay. The City of Edmonton was also tardy in documenting its concerns.

18.2.3.2 Political Roles: It is apparent that the Committee felt insecure in arriving at any decision on the application in light of the political problems associated with the servicing issue between the City of Edmonton and the County of Strathcona. Furthermore, the Commission held the resolution of the sewer and water issue between the City and the County to be the prime condition attached to its approval.

18.2.4 Regulations and the Application of Regulations

Apparent problems existed with the water servicing arrangements between the City of Edmonton and the County of Strathcona. The City of Edmonton quoted Section 5(1) of the Sewage Agreement with the County in its non-support of the application. Hence, provisions of lateral legal agreements between municipal authorities have the potential of intervening in the land use approval process.

18.3 Summary and Conclusion

18.3.1 Summary of Findings

The Woodbridge Farms Subdivision Plan application, originally submitted under the name "Westlake", was processed in the fall of 1977.

18.3.1.1 The applicant's planning consultant had a considerable amount of contact with the Edmonton Regional Planning Commission staff prior to formal application.

18.3.1.2 The Subdivision Committee referred the application to the Commission because of a servicing issue between the City of Edmonton and the County of Strathcona.

18.3.1.3 The process exceeded the statutory 60 day maximum time limit by one day. Edmonton Regional Planning Commission Planners consider the 60 day limit to be unreasonably short.

18.3.2 Conclusion

Even though the end result of the approval process was contained in the normal time period for all intents and purposes, the application was threatened with delay because of a servicing dispute between the City and the County. Provisions of lateral agreements between municipal authorities can compound the problems of applying land use regulations.

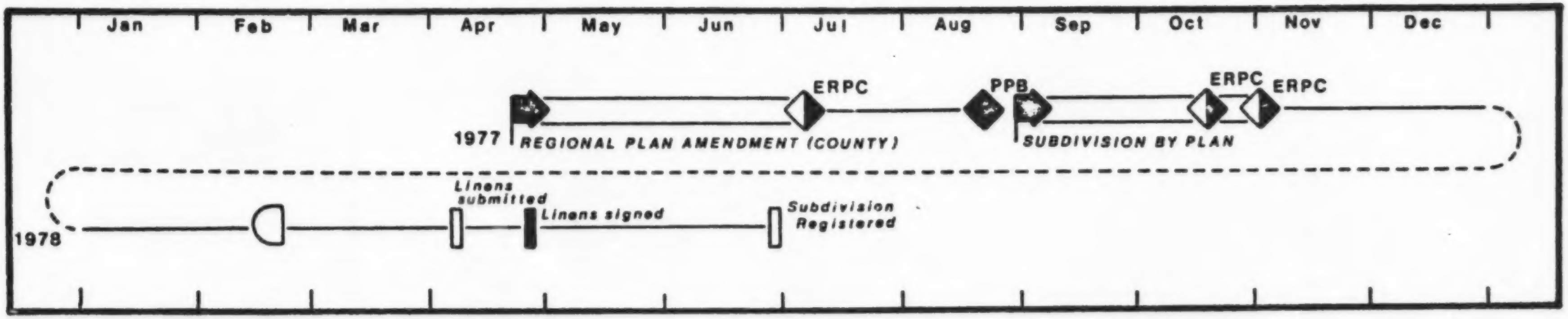
Costs of Delay

Developer failed to provide land price data. Since no processing delay is indicated by available information, the money costs of delay are estimated at zero.

18.4 Chronology of Significant Events

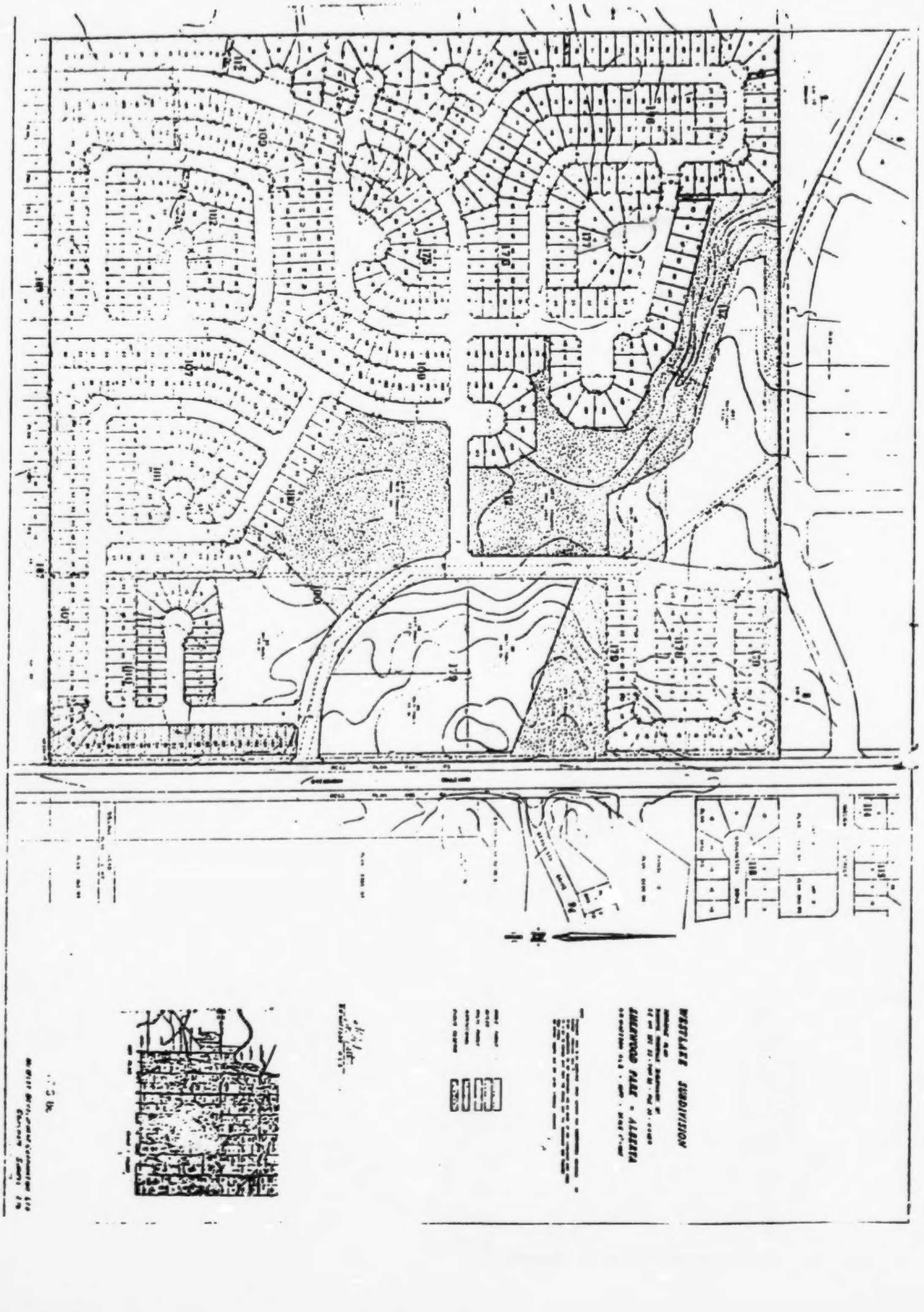
Apr.	22	1977	County of Strathcona Application for Preliminary Regional Plan Amendment
July	6	1977	Edmonton Regional Planning Commission Approves Regional Plan Amendment
Aug.	23	1977	Provincial Planning Board Approved Amendment
Aug.	30	1977	Developer's Consultant Application for Subdivision by Plan
Sept.	1	1977	Edmonton Regional Planning Commission Staff Accepted Application as Complete - 60 days statutory time limit - circulation date
Oct.	19	1977	Subdivision Committee Edmonton Regional Planning Commission Recommends Referral to Commission
Nov.	2	1977	Edmonton Regional Planning Commission Approves Conditionally
Nov.	9	1977	Edmonton Regional Planning Commission Staff Notice of Decision - 1 year to comply with conditions
Feb.	22	1978	Developer/County Development Agreement
Apr.	7	1978	Developer's Consultant (Co-ordinate Surveys) Submits Linen Plans
Apr.	18	1978	County of Strathcona Letter Indicates that All Conditions Attached to Approval Have Been Met
Apr.	26	1978	Edmonton Regional Planning Commission Linens Signed
June	28	1978	Subdivision Registered

APPENDIX 18 -A



18. WOODBRIDGE FARMS

APPENDIX 18-B


WESTLAKE SUBDIVISION
SHERWOOD PARK • ALBERTA